

THE ANNA CITY CODE OF ORDINANCES

Part III – C (ZONING ORDINANCE)

Current through February 12, 2013

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Zoning Illustrations

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CITY OF ANNA, TEXAS
ORDINANCE NO. 116-2003
ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF ANNA, TEXAS ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS AND CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATIONS THEREOF; CREATING A PLANNING AND ZONING COMMISSION AND SETTING FORTH RULES FOR ITS ORGANIZATION, JURISDICTION, AND POWERS; PROVIDING FOR CERTIFICATE OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT, the proposed Zoning Ordinance and maps are hereby enacted and adopted, which shall provide as follows:

Section 1. Authority

This Part of the Code is prepared under the authority of Section 1, Art. 1011a, Vernon's Civil Statutes of the State of Texas, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories, and size of Buildings, and other structures, the percentage of Lot that may be occupied, the size of the yards, Courts, and other Open Spaces, the density of population, and the location and Use of Buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of Buildings and other structures.

Section 2. Purpose

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the Streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the District and its peculiar suitability for particular uses, and with a view to conserving the value of Buildings and encouraging the most appropriate Use of land throughout the city.

Section 3. Administration

3.01 Administration

The City Manager is hereby designated by the City Council as the Administrative Official to supervise the administration and enforcement of this Part of the Code. The City Manager may be provided with the assistance of such other persons or consultants as the City Council may direct.

If the Administrative Official finds that any of the provisions of this Part of the Code are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal Use of land, Buildings, or structures, removal of illegal Buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Part of the Code to insure compliance with or to prevent violation of its provisions.

3.02 Interpretation and Appeals

Unless otherwise expressly stated in this Part of the Code, all questions of interpretation and enforcement shall be first presented to the Administrative Official, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official and recourse from the decisions of the Board of Adjustments shall be to the Courts as provided by law.

3.03 City Council Duties

It is further the intent of this Part of the Code that the duties of the City Council in connection with this Part of the Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Part of the Code. Under this Part of the Code the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Part of the Code, as provided by law, and of establishing a schedule of fees and charges for administration of this Part of the Code.

Section 4. Definitions

For the purpose of this Part of the Code, certain terms and words are defined and shall have the meanings ascribed in this section of the Code unless it is apparent from the context that different meanings are intended.

Accessory Building or Use means a Building or Use which:

- (a) is subordinate to and serves a principal Building or principal Use;
- (b) is subordinate in area, extent, or purpose to the principal Building or principal Use served and is not physically connected to the principal Building;
- (c) contributes to the comfort, convenience and necessity of occupants of the principal Building or principal Use served; and
- (d) is located on the same Building Lot as the principal Use served. If connected to the principal Building, a structure becomes part of the principal Building.

Administrative Official means the officer or other designated authority charged with the administration and enforcement of this Part of the Code, or his duly authorized representative.

Alcoholic Beverage Store means an establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

Alley means a public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a Street or highway.

Apartment means a room or suite of rooms in an Apartment house arranged, designed or occupied as a Dwelling Unit residence by a single Family, individual, or group of individuals living together as a single housekeeping unit.

Basement means a Building Story the floor line of which is below Grade at any entrance or exit but may have at least 1 ½ of its height above the average level of the adjoining Grade level.

Block means that property abutting on one side of the Street and lying between the nearest intersecting or intercepting Streets or nearest intersecting or intercepting Street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such Street.

Building means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate Building, except as regards minimum side yards.

Building Height means the vertical distance from the average contact ground level at the front wall of the Building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building Line means a line parallel or approximately parallel to the Street line at a specific distance there from marking the minimum distance from the Street line that a Building may be erected.

Building Official - See Administrative Official.

Certificate of Occupancy means an official certificate issued by the Building inspector which indicates conformance with or approved conditional waiver from the zoning regulations and authorized legal Use of the premises for which it is issued.

Club means a nonprofit association of persons who are bona-fide members, paying regular dues and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, Private (Class I) means an establishment or enterprise wherein activities are carried on by or for a group or association of dues-paying members organized for some common purpose.

Club, Private (Class II) means a Club as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

Conditional Use means any Building, structure, and Use which complies with the applicable regulations and standards governing Conditional Uses of the zoning District in which such Building, structure, and Use is located and for which a permits granted.

Court means an open, unoccupied space on the same Lot with a Building and bounded on two sides by such Building, or the Open Space provided for access to a dwelling group.

Display Sign means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.

District means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Part of the Code. The term "residential District" means any SF-E, SF-1, SF-84, SF-72, SF-60, SF-2, SF-Z, SF-TH, MH, OR MF District; the term "commercial District" means any C-1, NC, C-2, C-3, OR 0-1 District.

Dwelling Unit means a room or a group of rooms including cooking accommodations, occupied by one Family, and in which not more than two persons, other than members of the Family, are lodged or boarded for compensation at any one time.

Dwelling Unit, Single-Family, Detached means located on a Lot or separate Building tract and having no physical connection to a Building on any other Lot.

Essential Services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission distribution steam, or water systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, Street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including Buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "Building" does not include "structures" for Essential Services.

Family means one or more persons, related by blood, marriage or adoption, occupying a Dwelling Unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, Club, dormitory, fraternity or sorority house.

Farm means an area of two acres or more which is used for the growing of usual Farm products such as vegetables, fruit, trees and grain and storage on the area as well as the raising thereon of the usual Farm poultry and Farm animals such as horses, cattle, sheep and swine, including dairy Farms with necessary Accessory Uses and for treating and storing the produce; provided, however, that the operation of such accessory shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

Flood Plain means the land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100 year frequency storm is considered in the Flood Plain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the City.

Food-Beverage Store means an establishment engaged in the retail sale of food or beverages — of any kind whatsoever — for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.

(Ord. No. 496-2010, adopted 5/25/2010)

Frontage means all the property abutting on one side of a Street between intersecting or intercepting Streets, or between a Street and a right-of-way, waterway, end of a dead-end Street, or village boundary measured along the Street line. An intercepting Street shall determine only the boundary of the Frontage on the side of the Street which it intercepts. Where a Lot abuts more than one Street, the planning and zoning commission shall determine the Frontage for purposes of this Part of the Code.

Front Yard means an open, unoccupied space on a Lot facing a Street and extending across the front of the Lot between the side yard lines and being the minimum horizontal distance between the Street line and the main Building or any projection thereof other than the projection of the usual or eave overhang.

Garage, Public means a Building or portion of a Building, except that herein define as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal Use.

Grade means when used as a reference point in measuring height of Building the "Grade" shall be the average elevation of the finished ground at the exterior walls of the main Building.

Green Belt means a piece of land, normally relatively narrow in comparison to its length, reserved to provide for both passive and active recreation, to function as a corridor connecting park areas, to serve as a buffer between various land uses, or to provide for Open Space. It frequently utilizes Flood Plains along creeks and is often left in its natural state.

Gross Floor Area means the living area of a Building including the walls thereof but excluding all porches, open breezeways and garages.

Height of Building means the vertical distance from the Grade to the highest point of the opening of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip and gambrel roof.

Home Occupation means an occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "Residential Dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

- (1) Residential Dwelling shall mean a detached Building designed, used and occupied exclusively by members of one Family as a residence.
- (2) No person other than members of a Family who reside in the Residential Dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.
- (3) Such Use shall be and remain incidental and subordinate to the principal Use of the Residential Dwelling as a Family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the Residential Dwelling.
- (4) Not more than one non-illuminated sign advertising the Home Occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the Building in which the Home Occupation is being conducted.
- (5) The Residential Dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- (6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the Residential Dwelling.
- (7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the Home Occupation shall extend beyond the property line of the Lot or tract on which the Home Occupation is being conducted.

- (8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the Residential Dwelling and no Accessory Building shall be used in conjunction therewith.
- (9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- (10) A Home Occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

Hospital means a public or private, profit, or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient. Permitted Accessory Uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the Use of artificial members and appliances, patient and outpatient services, pharmacies and similar uses; provided, however, that any such Accessory Use is so Use-wide related to the principal Use as to be in fact an integral part of the total purpose and is incorporated within the same Building or Building complex; and provided further, that the floor area occupied by all Accessory Uses does not exceed 1/3 of the total floor area. Whether or not a questionable Use is similar or an "integral" part of the total purpose shall be subject to determination by the City Council. Hospital related x-ray and laboratory facilities shall not be considered Accessory Uses in computation or area occupancy.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Land Use Plan means the long-range plan for the desirable Use of land in the City of Anna as officially adopted and as amended from time to time by the City Council; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdivision and Use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as Streets, parks, schools and public Buildings.

Loading Space means an off-Street space or berth on the same Lot with a Building or contiguous to a group of Buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a Street, Alley or other appropriate means of access.

Lot means the entire parcel of land occupied or to be occupied by a main Building and its Accessory Buildings, or by a group such as a dwelling group or automobile Court and their Accessory Buildings, including the yards and Open Spaces required therefore by this title and other applicable law.

Lot, Corner means a Lot abutting on two intercepting or intersecting Streets where the interior angle of intersection or interception does not exceed 135°.

Lot Coverage means the percentage of the total area of a Lot occupied by the base (first Story or floor) of Buildings located on the Lot.

Lot, Interior means a Lot other than a corner Lot.

Lot, Lines means the property lines bounding the Lot as defined herein.

Lot, Through means a Lot having its front and rear on different Streets, or having its front or rear line on a Street and the other line on a river, lake, creek or other permanent body of water.

Lot Depth means the average depth from the front line of the Lot to the rear line of the Lot.

Lot Width means the width measured at a distance back from the front line equal to the minimum depth required for a Front Yard.

Lot of Record means a Lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin County, or a parcel of land, the deed for which was recorded in the Office of the County Clerk, Collin County, prior to January 1, 1986.

Main Building means a Building in which is conducted principal Use of the Lot on which it is situated.

Masonry means brick, tile, stone, glass block, or split face concrete block, but excludes cement fiber or other similar veneer material.
(Ord. No. 580-2012, adopted 4/24/2012; Ord. No. 2002-18, adopted 8/13/2002)

Neighborhood Convenience Center means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The Neighborhood Convenience Center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of -families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nonconforming Use has the definition set forth in Section 39.01 of this Part.
(Ord. No. 457-2009. adopted 8/25/2009)

Open Space means that part of any Lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50% of any standing surface water, may be considered as Open Space, provided such Open Space is contiguous and part of the platted Lot and is maintained and utilized in the same manner and to the same degree as all other Open Space areas as is designated on the site plan as filed with the building permit application.

Parking Area, Private means a permanently surfaced open area for the same uses as a private garage.

Parking Area, Public means a permanently surfaced open area, other than Street, or other public way, used for parking of automobiles and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking Space means a permanently surfaced area not less than 180 square feet (measured approximately nine feet by 20 feet) either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

Planned Development means land under unified control, including developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and Buildings; for principal and accessory structures and uses substantially related to the character of the District; according to comprehensive and detailed plans which include not only Streets, utilities, and Lots or Buildings sites, but also site plans, floor plans, and elevations of all Buildings as intended be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the Buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common Use by some or all of the occupants of the District, but will not be provided, operated, or maintained at general public expense.

Planned Development is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the District and areas without the District.

Rear Yard means the required Rear Yard is an Open Space unoccupied and unobstructed except for Accessory Uses extending across the rear of a Lot from one side Lot line to the other side Lot line, the depth of which is dependent upon the zoning District in which the Lot is located.

Recreational Vehicle means a vehicular, portable structure that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and

pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

Screening Element (Device) means a barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the Lot line when viewed from any height between ground level and seven feet above ground level and shall mean any of the following:

- (a) any solid material constructed of brick, Masonry, or of a concrete or metal frame, or wood or base which supports a permanent type material, the vertical surface of which is not more than 30% open;
- (b) any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or
- (c) landscaped earth berms may, when appropriate in scale, be considered and used as a Screening Element in lieu of a fence, wall, hedge, or other dense planting material.

Specified Anatomical Area means less than Opaquely covered human genitals, pubic region, or pubic hair; or less than Opaquely covered perineum, buttock, or anus; or less than Opaquely covered female breast below a point immediately above the top or the areola.

Specified Sexual Activities means human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

Story means that portion of a Building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the Building between the surface of a floor and the ceiling or roof above it. A Basement shall be counted as a Story for the purposes of height regulations, if the vertical distance from Grade to the ceiling is more than seven feet.

Story, Half means the topmost Story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such Story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structural Alteration means any change, addition, or modification in construction in the supporting members of a Building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Trailer (including automobile Trailer and Trailer coach) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or Use as a selling, or advertising device, or Use for storage or conveyance of tools, equipment, and machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and Streets, propelled or drawn by its own or other motor power.

Trailer Park means any Lot or part thereof or any parcel of land which is used or offered as a location for one or more Trailers.

Thoroughfare means an officially designated federal or state numbered highway or county or other road or Street designated as a primary thoroughfare on the official Thoroughfare Plan of the City of Anna.

Thoroughfare Plan means the official Thoroughfare Plan of the City of Anna adopted by the City Council establishing the location and official right-of-way width of principal highways and Streets in the city, together with all amendments thereto subsequently adopted.

Use means the purpose for which land or a Building or structure thereon is designed, arranged intended or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of Nonconforming Use as set forth in Section 39.01 of this Part. (*Ord. No. 457-2009, adopted 08/25/09*)

Use, Accessory means a subordinate Use on the same Lot with the principal Use and incidental and accessory thereto.

Used Car Lot means a Lot or tract of land used for the sale or display for sale of two or more previously owned motor vehicles including but not limited to passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for Use upon the public roads or for pleasure off public roads but not including Farm implements, mobile homes, campers and Recreational Vehicles, or construction equipment such as cranes, bulldozers and related equipment and trucks over one ton capacity.

Yard means an Open Space, other than a Court, on the same Lot with a Building.

Yard, Front means a yard extending across the full width of a Lot and having a depth equal to the shortest distance between the front line of the Lot and the nearest portion of the main Buildings including an enclosed or covered porch, provided that the Front Yard depth shall be measured from the future Street line for a Street on which a Lot fronts, when such line is shown on the official map or is otherwise established.

Yard, Rear means a yard extending across the full width of a Lot and having a depth equal to the shortest distance between the rear line of the Lot and the main Building.

Yard, Side means a yard between the side line of the Lot and the main Building extending from the Front Yard to the Rear Yard and leaving a width equal to the shortest distance between said side line and the main Building.

Zoning Map means the official Zoning Map of the City of Anna together with all amendments subsequently adopted.

Section 5. General Provisions

5.01 Establishment of Districts

For the purpose of this Part of the Code, the City of Anna, Texas, is hereby divided into Districts as follows:

| | |
|-------|--|
| AG | Agricultural District |
| SF-E | Single-Family Residential - Large Lot |
| SF-1 | Single-Family Residential |
| SF-84 | Single Family Residential District – 84 |
| SF-72 | Single Family Residential District – 72 |
| SF-60 | Single Family Residential District – 60 |
| SF-Z | Single Family Residential District – Zero Lot Line Homes |
| SF-TH | Single Family Residential District – Townhomes |
| MH-1 | Manufactured Home District |
| MH-2 | Manufactured Home Park District |
| TF | Two Family Residential |
| MF-1 | Multiple Family Residential - Low Density |
| MF-2 | Multiple Family Residential - High Density |
| C-1 | Restricted Commercial |
| C-2 | General Commercial |
| NC | Neighborhood Convenience District |
| CBRD | Central Business Redevelopment District |
| C-3 | Planned Center District |
| O-1 | Office District |

| | |
|------|------------------------------------|
| I-1 | Light Industrial District |
| I-2 | Heavy Industrial District |
| PD | Planned Development District |
| THOR | Thoroughfare Overlay District |
| F-B | Food and Beverage Overlay District |

5.02 Floodplain Designation Overlay

Notwithstanding the foregoing, there shall be a District known as a "FP" floodplain District which may be coextensive with or overlap any or all of the foregoing Districts or portions thereof and any tract of land or portion thereof may, at the same time, be zoned for the Uses in one of the foregoing Districts and be zoned "FP" floodplain.

Where a tract of land or portion thereof is zoned for the Uses of one of the foregoing Districts and is also zoned "FP" floodplain, the restrictions contained in the "FP" floodplain District shall be applicable to said tract or portion thereof and shall take precedence over regulations of the other zoning Districts.

5.03 Official Zoning Map

The city is hereby divided into zones, or Districts, as shown on the official Zoning Map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this Part of the Code.

5.04 Map Certified

The official Zoning Map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words:

"This is to certify that this is the official Zoning Map adopted as part of Ordinance No. _____ of the City of Anna."

5.05 Location of Map

The official Zoning Map shall be in the custody of and shall remain on file in the office of the City Secretary.

5.06 Public Inspection of Map

The official Zoning Map shall be available for the public inspection for all matters that are of public record.

5.07 Amendment of Official Zoning Map

When changes are made in District boundaries or other matter portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map promptly after the amendment has been approved by the City Council.

5.08 Official Zoning Map Replacement

The City Council may by ordinance adopt a new official Zoning Map should the original reproducible tracing of the official Zoning Map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map or any subsequent amendment thereof. The new official Zoning Map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words:

"This is to certify that this official Zoning Map supersedes and replaces the official Zoning Map adopted _____ as a part of the Zoning Ordinance of the City of Anna.

5.09 Interpretation

- (a) When the District boundaries are either roads or Streets, unless otherwise shown, and where the designation of the District map indicates that the various Districts are bounded by a road or Street line, the center line of such road or Street shall be construed to be the District boundary line.
- (b) Where the District boundaries are not otherwise indicated and where property has been subdivided into Lots and Blocks, the subdivision boundaries shall be construed to be the boundary of the District.
- (c) Where the District boundaries are not otherwise indicated for unsubdivided property, the District boundaries are property lines.
- (d) Where District boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official Zoning Map or in other circumstances not covered in this Part, the City Council shall interpret the District boundaries.

5.10 Rules for Words and Phrases

For the purposes of this Part of the Code, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an

individual; the word "used" includes designed and intended or arranged to be used; the word "Building" includes the word "structure"; the word "Lot" includes "Building Lot" or parcel. Wherever this Part of the Code imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this Part of the Code shall govern.

5.11 Compliance with Regulations

The regulations set by this Part of the Code within each District shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

- (a) No Building, structure, or land shall hereafter be used or occupied, and no Building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the District in which it is located.
- (b) No Building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of Lot area than that specified for the District in which it is located.
- (c) No Building or other structure shall have narrower or smaller Rear Yards, Front Yards, side yards, or other Open Spaces than herein required or in any other manner contrary to the provisions of this Part of the Code.
- (d) No part of a yard, other Open Space, off-Street parking or Loading Space required about or in connection with any Building for the purpose of complying with this Part of the Code shall be included as a part of a yard, Open Space, off-Street parking, or Loading Space similarly required for any other Building.

5.12 Structures to Have Access

Every Building hereafter erected or moved shall be on a Lot adjacent to a public Street or with access to an approved private Street, and all structures shall be so located on Lots as to provide safe and convenient access for servicing, fire protection, and required off-Street parking.

5.13 Visibility at Intersections

On a corner Lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle measured 20 feet from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed 2 ½ feet in height and vegetation should not droop to less than 10 feet from the ground.

Section 6. Reserved

Section 7. Annexed Territory

7.01 Annexed Territory to be Zoned SF-E

All territory hereafter annexed to the City of Anna shall be temporarily classified as SF-E Single Family Residential – Large Lot District until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

7.02 Regulations for Temporary SF-E Districts

In an area temporarily classified as SF-E:

- (a) no person shall erect, construct or add to any Building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or Certificate of Occupancy from the Building Official or City Council as required herein.
- (b) no permit for the construction of a Building or Use of land shall be issued other than a permit which will allow construction of a building permitted in SF-E Districts unless and until such territory has been classified in a zoning District other than a Single Family Residential – large Lot District.
- (c) an application for a permit for any Use other than that specified above shall be made to the zoning Administrative Official and by him referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The Planning and Zoning Commission in making its recommendation shall take into consideration the appropriate land Use for the area and the overall plans for the city. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a building permit or Certificate of Occupancy or may disapprove the application as their findings may indicate appropriate in the public interest.

7.03 Concurrent Rezoning and Annexation

Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the City Council.

Section 8. Classification of New and Unlisted Uses

It is recognized that new types of land Use will develop and forms of land Use not anticipated may seek to locate in the City of Anna. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land Use shall be made as follows:

- (a) the zoning Administrative Official shall refer the question of any new or unlisted Use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such Use should be placed. The referral of the Use interpretation question shall be accompanied by a statement of facts listing the nature of- the Use and whether it involves dwelling activity sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (b) the Planning and Zoning Commission shall consider the nature and described performance of the proposed Use and its compatibility with the uses permitted in the various Districts and after public hearing determine the zoning District or Districts within which such Use should be permitted.
- (c) the Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for and new or unlisted Use. The City Council may approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such Use as is determined appropriate after giving consideration to the Districts and recommendations.

Section 9. AG - Agricultural District

9.01 General Purpose and Description

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses; intensity of Use permitted in this District is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in District classification is made.

9.02 Permitted Uses

A Building or premise in an AG Agricultural District shall be used only for the following purposes:

- (a) Single-family dwellings in areas where said dwellings can be adequately served by city utilities or approved alternatives.
- (b) Telephone exchange, provided no public business and no repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- (c) Temporary metal Buildings of less than 600 square feet which are used for tool and supply storage.
- (d) Riding academy or other equestrian related activities.
- (e) Other uses as listed in Appendix 2 of this Part of the Code.

9.03 Permitted Specific Uses

The following specific uses shall be permitted in the Agricultural District, when granted in accordance with Section 37:

- (a) Hospitals for human care and veterinary Hospitals of any kind provided that the Hospital grounds shall be distant at least 200 feet from any residential District.
- (b) disposal of garbage and refuse, including sanitary landfills and sewage disposal by the county or city or their authorized agents, subject to health department approval.
- (c) utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the District; provided there is no yard or garage for service or storage, and provided further that the premises upon which utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood and not objectionable as to noise, odor, vibration or other disturbances.
- (d) radio and television transmitter tower.
- (e) Essential Services. Defined in Section 4.
- (f) other uses as listed in Appendix 2 of this Part of the Code.

9.04 Accessory Uses

- (a) Accessory Buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total

area of Buildings and structures shall be limited to 10% of the gross land area of the tract.

- (b) Temporary fruit stands on any premises used for agricultural purposes.
- (c) Parking facilities. Garages, carports, or other Parking Spaces for the exclusive use of residents of the premises in accordance with Section 38.
- (d) Swimming pools.

9.05 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

9.06 Parking Regulations

Two covered spaces behind the Front Yard line for single Family Dwelling Units and HUD Code manufactured homes. Other off-Street Parking Space regulations are set forth in Section 38.

9.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 10. SF-E – Single-Family Residential – Large Lot

10.01 General Purpose and Description

The SF-E District is established to allow for larger Lots with one Family dwelling structures per Lot. This District is intended to provide for residential lands to accommodate more rural settings and accessory yard uses. These Lots should be generally located in groups, Blocks, or areas where the Accessory Uses of the land do not either materially or in an obnoxious manner influence neighboring properties. Densities in this District will not usually exceed one unit per gross acre.

10.02 Permitted Uses

A Building or premise in a SF-E District shall be used only for the following purposes:

- (a) Agricultural uses, but not including commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, or other fur-bearing animal Farms and rat Farms. Buildings and structures used for sheltering or feeding shall be located not less than 25 feet from any adjoining Lot in the residence District. All residences shall assure that livestock or pets shall not physically damage shrubbery, fences, or other property of neighbors, that sanitation shall

be practiced, and that noise, odor, commotion, and other activity attributed to livestock shall not unduly damage the character of the area.

- (b) Uses as listed in Appendix 2 of this Part of the Code.

10.03 Permitted Specific Uses

The following specific uses shall be permitted in a SF-E District, when granted in accordance with Section 37:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this Part for dwellings and have a landscaped or Masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
- (d) Public and quasi-public Buildings for cultural Use.
- (e) Country Clubs as defined herein.
- (f) Uses as listed in Appendix 2 of this Part of the Code.
- (g) Public utility and public service uses as follows:
 - (1) Electric substations.
 - (2) Gas odorizing stations and gate stations.
 - (3) Radio and television towers.
 - (4) Railroad right-of-way, but not including railroad yards and shops, freight and service Buildings, or right-of-way for switch, lead, spur, or team tracks.
 - (5) Telephone exchanges and transmission equipment Buildings.

- (6) Privately owned water pumping stations and water reservoirs.
- (h) Outdoor recreational premises, Clubs and grounds for swimming, tennis, boating, horse riding, skiing, and other sports. Accessory Clubhouses and maintenance Buildings.
- (i) Home and professional occupations.

10.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

10.05 Parking Regulations

Two enclosed spaces behind the Front Yard line for single-family Dwelling Units and HUD Code manufactured homes. Other off-Street parking regulations are set forth in Section 38.

10.06 Permitted Accessory Uses

- (a) Living quarters for persons regularly employed on the premises but not including accommodations for transient labor.
- (b) Guest houses, not containing cooking facilities, and not rented or otherwise conducted as a business when located in a portion of the site other than a required yard space.
- (c) Home occupations.
- (d) Private garages and parking areas.
- (e) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.
- (f) Private stables, corrals, and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a Street line and no closer than 150 feet from any dwelling on adjoining property. No horse or other equine shall be kept on a Lot of less than one acre in area and two horses or other equines may be kept on an acre but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in Lot area.

10.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 11. SF-1 – Single-Family Residential

11.01 General Purpose and Description

The Single Family Residential District - 1 is designed to accommodate the standard Single Family Residential development. The District can be appropriately located in proximity to Multifamily residential areas and certain neighborhood local retail and office uses.

11.02 Permitted Uses

A Building or premise in an SF-1 District shall be used only for purposes as listed in Appendix 2 of this Part of the Code.

11.03 Permitted Specific Uses

The following specific uses shall be permitted in an SF-1 District, when granted in accordance with Section 37:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this Part for dwellings and have a landscaped or Masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
- (d) Public and quasi-public Buildings for cultural Use.
- (e) Country Clubs as defined herein.
- (f) College and universities, provided that the zoning Lot shall be not less than 40 acres.
- (g) Uses as listed in Appendix 2 of this Part of the Code.

11.04 Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11.05 Parking Regulations

A minimum of two covered, enclosed Parking Spaces shall be provided per unit behind the Building Line. Other off-Street Parking Space regulations are set forth in Section 38.

11.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Athletic fields and playfields, noncommercial, including stadiums and grandstands.
- (d) Temporary Buildings for storage of Building materials and equipment and construction purposes when on the same or adjoining Lot as the principal Use for a period not to exceed the duration of such construction.

Section 12. SF-84 – Single-Family Residence District Regulations

12.01 General Purpose and Description

The SF-84 Single Family Residential District is designed to accommodate Single Family Residential development on relatively ample Lots. The District can be appropriately located in proximity to agricultural and Single Family Residential Uses.

12.02 Permitted Uses

A Building or premise in a SF-84 District shall be used only for the purposes as listed in Appendix 2 of this Part of the Code.

12.03 Permitted Specific Uses

The following specific uses shall be permitted in a SF-84 District, when granted in accordance with Section 37 of this Part of the Code:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system

facilities, when located according to the yard space rules set forth in this part for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.

- (d) Public and quasi-public buildings for cultural use.
- (e) Country clubs as defined herein.
- (f) Uses as listed in appendix 2 of this part of the code.

12.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

12.05 Parking Regulations

Two enclosed spaces behind the Front Yard line for single-family Dwelling Units and HUD Code manufactured homes. Other off-Street parking regulations are set forth in Section 38.

12.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.

12.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 13. SF-72 Single-Family Residence District Regulations

13.01 General Purpose and Description

The SF-72 Single Family Residential District is designed to accommodate Single Family Residential development on relatively ample Lots. The District can be appropriately located in proximity to agricultural and Single Family Residential uses.

13.02 Permitted Uses

A Building or premise in a SF-72 District shall be used only for the following purposes:

Uses as listed in Appendix 2 of this Part of the Code.

13.03 Permitted Specific Uses

The following specific uses shall be permitted in a SF-72 District, when granted in accordance with Section 37 of this Part of the Code:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this part for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
- (d) Public and quasi-public buildings for cultural use.
- (e) Country clubs as defined herein.
- (f) Uses as listed in appendix 2 of this part of the code.

13.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

13.05 Parking Regulations

Two enclosed spaces behind the Front Yard line for single-family Dwelling Units and HUD Code manufactured homes. Other off-Street parking regulations are set forth in Section 38.

13.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.

13.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 14. SF-60 Single-Family Residence District Regulations

14.01 General Purpose and Description

The SF-60 Single Family Residential District is designed to accommodate Single Family Residential development on relatively ample Lots. The District can be appropriately located in proximity to agricultural and Single Family Residential Uses.

14.02 Permitted Uses

A Building or premise in a SF-60 District shall be used only for the following purposes:

Uses as listed in Appendix 2 of this Part of the Code.

14.03 Permitted Specific Uses

The following specific uses shall be permitted in a SF-60 District, when granted in accordance with Section 37 of this Part of the Code:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this part for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
- (d) Public and quasi-public buildings for cultural use.
- (e) Country clubs as defined herein.
- (f) Uses as listed in appendix 2 of this part of the Code.

14.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

14.05 Parking Regulations

Two enclosed spaces behind the Front Yard line for single-family Dwelling Units and HUD Code manufactured homes. Other off-Street parking regulations are set forth in Section 38.

14.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.

14.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 15. SF-Z Single-Family Residence District Regulations – Zero Lot Line Homes

15.01 General Purpose and Description

The purpose of the SF-Z (Zero Lot Line Home) District is to provide single-family homes on Lots of moderate size.

15.02 Permitted Uses

Uses as listed in Appendix 2 of this Part of the Code.

15.03 Permitted Specific Uses

The following specific uses shall be permitted in a SF-Z District, when granted in accordance with Section 37 of this Part of the Code:

- (a) Public, parochial, and private schools and colleges offering courses of general instruction and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.

- (b) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- (c) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and have a landscaped or masonry barrier on all sides. Buildings shall conform to all space limits of this zone and shall be of such exterior design as to harmonize with nearby properties.
- (d) Public and quasi-public buildings for cultural use.
- (e) Country clubs as defined herein.
- (f) Uses as listed in appendix 2 of this part of the code.

15.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

Minimum Lot sizes for Townhouses and Zero Lot Line houses shall be 3,000 square feet per Dwelling Unit.

Lot Width for a Lot containing Multifamily, Townhouse, or Zero Lot Line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

Lot Width for a Lot containing other permitted uses shall be not less than 60 feet.

15.05 Parking Regulations

One enclosed space behind the Front Yard line for single-family Dwelling Units and HUD Code manufactured homes. Other off-Street parking regulations are set forth in Section 38.

15.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.

15.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 16. SF-TH Townhome District Regulations

16.01 General Purpose and Description

This zone is designed to provide for a medium density residential environment of attached town home units.

16.02 Permitted Uses

- (a) Residential Buildings containing townhome units.
- (b) Other uses as allowed in the TF zone.

16.03 Permitted Specific Uses

Specific uses shall be permitted in a SF-TH District, when granted in accordance with Section 37, as listed in Appendix 2 of this Part of the Code.

Other uses as allowed in the TF zone.

16.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

Minimum Lot sizes for Townhouses and Zero Lot Line houses shall be 3,000 square feet per Dwelling Unit.

Lot Width for a Lot containing Multifamily, Townhouse, or Zero Lot Line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

Lot Width for a Lot containing other permitted uses shall be not less than 60 feet.

16.05 Parking Regulations

Two enclosed spaces behind the Front Yard line. Other off-Street parking regulations are set forth in Section 38.

16.06 Permitted Accessory Uses

Other uses as allowed in the TF zone.

16.07 Miscellaneous Provisions

- (a) Rear entry off-Street parking shall be provided for all uses established in this zone.
- (b) Site plan approval shall be required prior to development.

16.08 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 17. MH-1 — Manufactured Home District Regulations

17.01 General Purpose and Description

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single Family subdivision.

17.02 Permitted Uses

A Building or premise shall be used only for the purposes as listed in Appendix 2 of this Part of the Code.

17.03 Permitted Specific Uses

Specific uses shall be permitted in the MH-I District, when granted in accordance with Section 37, as listed in Appendix 2 of this Part of the Code.

17.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

17.05 Parking Requirements

A minimum of two covered, enclosed Parking Spaces shall be provided per unit behind the Front Yard line. Other off-Street parking regulations are set forth in Section 38.

17.06 Additional Restrictions Applicable to MH-1 District

- (a) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and

Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

- (b) All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (c) Tie-downs will be required and will be secured prior to occupancy.
- (d) Underpinning and skirting will be required and will be installed prior to occupancy.
- (e) Accessory Buildings will be either manufactured or constructed in accordance with city codes.
- (f) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

17.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 18. MH-2 — Manufactured Home Park District Regulations

18.01 General Purpose and Description

The Manufactured Home Park District is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where Lots are rented or leased as space to be used for placement of a manufactured home.

18.02 Permitted Uses

A Building or Lot shall be used only for the following purposes:

- (a) Manufactured-home park of not less than two nor more than 10 acres in size.
- (b) Uses normally accessory to a manufactured home park, including office and/or maintenance Buildings for management and maintenance of the park only, recreation Buildings and swimming pools, private Clubs, laundry facilities, storage facilities, and recreation areas for Use by the resident of the park.
- (c) Other uses as listed in Appendix 2 of this Part of the Code.

18.03 Permitted Specific Uses

The following specific uses shall be permitted in the MH-2 District when granted in accordance with Section 37:

- (a) boat, Recreational Vehicle, and/or travel Trailer storage yard.
- (b) travel Trailer and commercial overnight camping park.
- (c) other uses as listed in Appendix 2 of this Part of the Code.

18.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The front setback shall be 25 feet where the car enters, and 20 feet on the opposite side.

18.05 Parking Requirements

Two spaces shall be provided per unit located on the Lot plus additional spaces for Accessory Uses as required in Section 38.

18.06 Additional Restrictions Applicable to Manufactured-Home Park District

- (a) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
- (b) All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (c) Tie-downs will be required and will be secured prior to occupancy.
- (d) Underpinning and skirting will be required and will be installed prior to occupancy.
- (e) Accessory Buildings will be either manufactured or constructed in accordance with city codes.
- (f) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

18.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 19. TF - Two-Family Residential District

19.01 General Purpose and Description

The TF one and two Family dwelling District is established to stabilize and protect characteristics of low density residential areas. This District may be suitable as a buffer zone between single Family and higher intensity uses. Development in the TF District is limited primarily to single-family and two-Family dwellings and certain community and recreational facilities to service residents of the District.

19.02 Permitted Uses

A Building or premise shall be used only for the purposes as listed in Appendix 2 of this Part of the Code.

19.03 Permitted Specific Uses

Specific uses shall be permitted in the TF District, when granted in accordance with Section 37, as listed in Appendix 2 of this Part of the Code.

19.04 Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

19.05 Parking Regulations:

Off-Street parking shall be provided in accordance with the requirements for uses set forth in Section 38.

19.06 Permitted Accessory Uses

- (a) Home occupations.
- (b) Private garages and parking areas.
- (c) Private swimming pools exclusively for the Use of residents of the premises and their nonpaying guests.

19.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 20. MF-1 - Multiple Family Residential - Medium Density

20.01 General Purpose and Description

The MF-1 District is established to meet the needs for medium density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community. The District is characterized by smaller scale Buildings and extensive Open Space and landscaping. This District should not be located with Frontage or direct access on major thoroughfares or with principal access to local residential Streets. This District permits two Story Apartments, fourplexes, and duplexes.

20.02 Permitted Uses

The following uses shall be permitted:

- (a) Multiple Family dwellings and clustered Multiple Family dwellings, which clustered in Multiple Family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed.
- (b) two-Family Dwelling Units.
- (c) private schools: nursery, elementary, junior high, high school, vocational school and day care centers.
- (d) churches, parish houses, convents.
- (e) country Clubs, tennis Courts, and such additional recreational uses as are for private recreation purposes or private Club recreational purposes. Clubhouses and maintenance Buildings shall be located not less than 200 feet from any adjacent Lot in an adjoining residence District.
- (f) parks and playgrounds.
- (g) existing one-Family Dwelling Units used as such on the effective date of this Part of the Code.

20.03 Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 37:

- (a) one-Family Dwelling Units.

- (b) Townhouses, condominiums.
- (c) uses as listed in Appendix 2 of this Part of the Code.

20.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

No Lot containing Multifamily units shall contain less than 10,000 square feet or 1,500 square feet per Dwelling Unit, whichever is greater.

Minimum Lot sizes for Townhouses and Zero Lot Line houses shall be 3,000 square feet per Dwelling Unit.

Minimum Lot sizes for all other permitted uses shall be 7,500 square feet or one thousand five hundred square feet per living unit, whichever is greater.

Lot Width for a Lot containing Multifamily, Townhouse, or Zero Lot Line units shall be not less than 20 feet per ground floor unit plus side yard requirements.

Lot Width for a Lot containing other permitted uses shall be not less than 60 feet.

The height of any Multifamily Building sited on a Lot adjacent to an area zoned for single Family dwellings or where single Family dwellings of one Story in height exist shall be limited to one Story for a distance of 60 feet from the single Family District boundary or the Lot on which the single Family dwelling is located.

When Buildings exceed one Story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two points of entry or exit.

20.05 Parking Regulations

Two off-Street Parking Spaces shall be provided per unit. Required parking may not be provided within the required Front Yard. Other off-Street Parking Spaces regulations are set forth in Section 37 and Section 38.

20.06 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

20.07 Refuse Facilities

Every Dwelling Unit in a Multifamily complex shall be located within 250 feet of a refuse facility; measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 Multifamily Dwelling Units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a or wall of Masonry not less than seven feet nor more than eight feet in height or by an enclosure within a Building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

20.08 Screening Fence

Border fencing of Masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any Multifamily complex, along the property line on any perimeter not abutting a public Street or right-of-way. This fence shall be maintained throughout the existence of the Multifamily complex by the owner of the complex.

(Ord. No. 368-2008, adopted 2/26/2008)

20.09 Permitted Accessory Uses

- (a) Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.
- (b) Athletic fields and playfields, noncommercial, including stadiums and grandstands.
- (c) Temporary Buildings for storage of Building materials and equipment and construction purposes, when on the same or adjoining Lot as the principal Use, for a period not to exceed the duration of such construction.

20.10 Miscellaneous Provisions

The maximum density in this District shall be 12 units per acre.

Section 21. MF-2 – Multiple Family Residential - High Density

21.01 General Purpose and Description

High density Multiple Family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic,

while serving the residential needs for higher density living quarters. This District permits two Story Apartments, fourplexes, and duplexes.

21.02 Permitted Uses

The following uses shall be permitted:

- (a) Any Use permitted in the MF-1 District, except two-Family Dwelling Units.
- (b) Libraries and museums.
- (c) Hospitals, sanitariums, nursing homes, and personal care facilities.
- (d) Other uses as listed in Appendix 2 of this Part of the Code.

21.03 Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 37:

- (a) Any Use allowed as a specific use in the MF-1 District, except one-Family and two-Family Dwelling Units, unless permitted above.
- (b) Medical and dental clinics.
- (c) Offices for professional uses such as (without limitation due to enumeration), Building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.
- (d) Other uses as listed in Appendix 2 of this Part of the Code.

21.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

No Lot containing Multifamily units shall contain less than 10,000 square feet or 1,500 square feet per Dwelling Unit, whichever is greater.

Minimum Lot sizes for Townhouses and Zero Lot Line houses shall be 3,000 square feet per Dwelling Unit.

Minimum Lot sizes for all other permitted uses shall be 7,500 square feet or 1,500 square feet per living unit, whichever is greater.

Lot Width for a Lot containing Multifamily, Townhouse, or Zero Lot Line units shall be 20 feet per ground floor unit plus side yard requirements.

Lot Width for a Lot containing other permitted uses shall be not less than 60 feet.

The height of any Multifamily Building sited on a Lot adjacent to an area zoned for single Family dwellings or where single Family dwellings of one Story in height exist shall be limited to one Story for a distance of 60 feet from the single Family District boundary or the Lot on which the single Family dwelling is located.

21.05 Parking Regulations

Two off-Street Parking Spaces shall be provided per unit. Required parking may not be provided within the required Front Yard. Other off-Street Parking Spaces regulations are set forth in Section 38.

21.06 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

21.07 Refuse Facilities

Every Dwelling Unit in a Multifamily complex shall be located within 250 feet of a refuse facility; measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 Multifamily Dwelling Units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by a wall of Masonry not less than seven feet nor more than eight feet in height or by an enclosure within a Building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

21.08 Screening Fence

Border fencing of Masonry construction of not less than eight feet in height shall be installed by the builder at the time of construction of any Multifamily complex, along the property line on any perimeter not abutting a public Street or right-of-way. This fence shall be maintained throughout the existence of the Multifamily complex by the owner of the complex.

(Ord. No. 368-2008, adopted 2/26/2008)

21.09 Special Fire Protection Requirements

Whenever densities of greater than 15 units per acre are present or a Building exceeds one Story in height, each Building in the development shall contain an

automatic sprinkler system, to be installed at the time of construction and thereafter operated in accordance with currently applicable fire safety codes.

In addition, each unit in any multi-Story design, regardless of density, shall be provided with two points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

21.10 Miscellaneous Provisions

- (a) Density in this District does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection requirements are observed (see Section 21.09).
- (b) The minimum separation of Buildings shall conform to the distance requirements as specified in Appendix 1, Area, Setback, Height, and Coverage Regulations.
- (c) If a side yard or Rear Yard is adjacent to a Single Family Residential District, there shall be a 25 foot setback and a 60 foot setback from the adjacent property line for Buildings in excess of one Story in height.
- (d) Single Family construction in this District shall comply with the SF-60 District requirements.
- (e) Duplex construction in this District shall comply with the TF District requirements.
- (f) A portion of the-Building that is no more than one Story tall shall observe a minimum setback from the rear property line of 15 feet. Any portion of the Building that is more than one Story tall shall observe a minimum setback from the rear property line of 25 feet.

Section 22. C-1 Restricted Commercial

22.01 General Purpose and Description

The C-1 District is established to accommodate the shopping needs of residents in adjacent residential areas. This District is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1 District should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

22.02 General Regulations

- (a) Business uses above the ground floor are permitted on any floor above the ground floor except in those Buildings where Dwelling Units are established.

- (b) All business establishments shall be retail or service establishments which deal directly with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.
- (c) All business, servicing or processing, except for off-Street parking, off-Street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed Buildings.
- (d) Parking of trucks as an Accessory Use, when used in the conduct of a permitted business listed in this Part, shall be limited to vehicles of not over 1½ ton capacity when located within 150' of a residence District boundary line.
(Ord. No. 448-2009, adopted 06/23/09)

22.03 Permitted Uses

A Building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this Part of the Code.

22.04 Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 37:

- (a) hotels and motels, provided that the zoning Lot shall be not less than one acre.
- (b) Dwelling Units, restricted to a total Gross Floor Area of 5,000 square feet above the ground floor of a commercial Buildings.
- (c) Retail Ice and Dispensed Water Sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area; and that the entire structure be masonry.
- (d) other uses as may be permitted by the City Council.
- (e) uses as listed in Appendix 2 of this Part of the Code.
(Ord. No. 517-2010, adopted 10/26/10)

22.05 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The Front Yard setback shall be 45 feet where parking is allowed in front of the Building. Accessory Buildings shall have a 60 foot Front Yard setback.

No side yard is required between adjacent non-residentially zoned Lots except that a side yard of not less than 15 feet in width shall be provided on the side of a Lot adjoining a residential District even when separated by an Alley. When adjacent to a residential District, even when separated by an Alley, no windows shall be permitted above 10 feet on the Building sides facing such residential District. In addition, a Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No Rear Yard is required between adjacent non-residentially zoned Lots. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet or 20% of the depth of the Lot, whichever is lesser, shall be provided upon that portion of a Lot abutting a residential District.

No Building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum Building Height.
(Ord. No. 368-2008, adopted 2/26/2008)

22.06 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

22.07 Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.

22.08 Miscellaneous Provisions

(a) Signs and illumination

- (1) Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).
- (2) The number of signs shall be limited to two.
- (3) No free standing signs (ground or pole signs) shall be permitted.
- (4) All signs shall be flat against the wall of the Building, with all parts of the sign within 18 inches of the face of the Building.

- (5) All signs shall be oriented so as to face a public Street.
- (6) No sign shall be illuminated so as to shine on nearby residential properties.
- (7) Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.
- (b) Prior to any subdivision of a C-1 District, a conceptual site plan, which shall include all the land that existing in single ownership at the time of initial zoning as a NC District, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to Section 49 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.
- (c) When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
(Ord. No. 368-2008, adopted 2/26/2008)

Section 23. NC – Neighborhood Convenience District

23.01 General Purpose and Description

This District is to provide for a limited range of service and light retail land uses in small Districts up to two acres in size that are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area.

23.02 Permitted Uses

A Building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this Part of the Code.

23.03 Permitted Specific Uses

Specific uses shall be permitted as listed in Appendix 2 when granted in accordance with Section 37:

23.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The Front Yard setback shall be 45 feet where parking is allowed in front of the Building. Accessory Buildings shall have a 60 foot Front Yard setback.

No side yard is required between adjacent non-residentially zoned Lots except that a side yard of not less than 15 feet in width shall be provided on the side of a Lot adjoining a residential District even when separated by an Alley. When adjacent to a residential District, even when separated by an Alley, no windows shall be permitted above 10 feet on the Building sides facing such residential District. In addition, a Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No Rear Yard is required between adjacent non-residentially zoned Lots. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet or twenty 20% of the depth of the Lot, whichever is lesser, shall be provided upon that portion of a Lot abutting a residential District.

No Building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum Building Height.

(Ord. No. 368-2008, adopted 2/26/2008)

23.05 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

23.06 Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.

23.07 Miscellaneous Provisions

(a) Signs and illumination

- (1) Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).
- (2) The number of signs shall be limited to two.
- (3) No free standing signs (ground or pole signs) shall be permitted.

- (4) All signs shall be flat against the wall of the Building, with all parts of the sign within 18 inches of the face of the Building.
 - (5) All signs shall be oriented so as to face a public Street.
 - (6) No sign shall be illuminated so as to shine on nearby residential properties.
 - (7) Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.
- (b) Prior to any subdivision of a C-1 District, a conceptual site plan, which shall include all the land that existing in single ownership at the time of initial zoning as a NC District, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to Section 49 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.
- (c) When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
- (Ord. No. 368-2008, adopted 2/26/2008)*

Section 24. C-2 General Commercial District

24.01 Purpose

The C-2 District is established to accommodate those uses that are of city-wide and regional significance. Within this District are permitted retail, service, and office uses characteristic of retailing and wholesaling markets. This District is intended to accommodate commercial activities that cannot be accommodated in the C-1 Restricted Commercial District.

24.02 Generally

- (a) All business, servicing or processing, except for off-Street parking, off-Street loading and automobile service station operation, shall be conducted within completely enclosed Buildings except as otherwise provided.

- (b) No Use hereunder shall be permitted if said Use entails storage or display of items for sale not enclosed by a Building except for incidental display or sale of seasonal retail- items and such incidental display shall be permitted only if it occupies no more than 5% of the total Lot area.
- (c) Accessory off-Street parking is required for C-2 Districts as provided in Section 37.

24.03 Permitted Uses

A Building or premise shall be used only for the purposes/uses as listed in Appendix 2 of this Part of the Code.

24.04 Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 37:

Specific uses in the C-2 District shall include:

- (a) any uses not specifically enumerated in Section 22 that can be considered commercial in character.
- (b) machinery and equipment sales and service establishments for equipment under one and one-half tons gross weight.
- (c) Retail Ice and Dispensed Water Sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area; and that the entire structure be masonry. (*Ord. No. 517-2010, adopted 10/26/10*)

24.05 Area, Yard, Height, and Lot Coverage Requirements

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

24.06 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

24.07 Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.

24.08 Screening

In the C-2 District, whenever a C-2 Use abuts the SF-1, SF-2, TF, MF-1, or MF-2 Districts, a wall or fence of not less than six feet in height is required, subject to approval by construction plans by the planning and zoning commission.

Section 25. CBRD – Central Business Redevelopment District

25.01 General Purpose and Description

The Central Business Redevelopment District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBRD is compatible with maintaining and redeveloping the economic and historic integrity of the area. The CBRD is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

25.02 Permitted Uses

- (a) Reserved
- (b) Other uses as listed in Appendix 2 of this Part of the Code.
- (c) Permitted Specific Uses

25.03 Specific Permitted Uses

The following specific uses shall be permitted in the CBRD, when granted in accordance with Section 37:

- (a) broadcasting facilities, radio, television, or microwave towers.
- (b) automobile service station with associated minor automobile repair facility with floor space not greater than 2,500 square feet.
- (c) other uses as listed in Appendix 2 of this Part of the Code.

25.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The Front Yard setback shall be 45 feet where parking is allowed in front of the Building. Accessory Buildings shall have a 60 foot Front Yard setback.

No side yard is required between adjacent non-residentially zoned Lots except that a side yard of not less than 15 feet in width shall be provided on the side of a Lot adjoining a residential District even when separated by an Alley. When adjacent to a

residential District, even when separated by an Alley, no windows shall be permitted above 10 feet on the Building sides facing such residential District. In addition, a Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No Rear Yard is required between adjacent non-residentially zoned Lots. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet or 20% of the depth of the Lot, whichever is lesser, shall be provided upon that portion of a Lot abutting a residential District.

No Building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum Building Height.
(Ord. No. 368-2008, adopted 2/26/2008)

25.05 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

25.06 Allowable External Façade Materials on Commercial Buildings

Commercial Buildings in the CBD shall Use only stone, brick, stucco, and wood or glass in the construction of the exterior façade that is visible to the public. No more than 20% of the façade shall be composed of wood or wood products, excluding doors, door frames, windows and window frames.

25.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

25.08 Miscellaneous Provisions

When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
(Ord. No. 368-2008, adopted 2/26/2008)

Section 26. C-3 – Planned Center District

26.01 General Purpose and Description

This District is designed to provide for a wide range of retail and service establishments.

26.02 Permitted Uses

Uses as permitted in the Schedule of Uses, Appendix 2.

26.03 Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 37:

Specific uses in the C-3 District shall include:

- (a) Uses as permitted by Specific Use Permit in the Schedule of Uses, Appendix 2.
- (b) Retail Ice and Dispensed Water Sales, provided that the ice and water are housed within a structure; that the structure is set back so that all portions of the structure are either even with or behind the average front building face of the primary structure(s) in the surrounding retail area; and that the entire structure be masonry. (*Ord. No. 517-2010, adopted 10/26/10*)

26.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The Front Yard setback shall be 45 feet where parking is allowed in front of the Building. Accessory Buildings shall have a 60 foot Front Yard setback. No side yard is required between adjacent non-residentially zoned Lots except that a side yard of not less than 15 feet in width shall be provided on the side of a Lot adjoining a residential District even when separated by an Alley. When adjacent to a residential District, even when separated by an Alley, no windows shall be permitted above 10 feet on the Building sides facing such residential District. In addition, a Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No Rear Yard is required between adjacent non-residentially zoned Lots. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet or 20% of the depth of the Lot, whichever is lesser, shall be provided upon that portion of a Lot abutting a residential District.

No Building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum Building Height.
(Ord. No. 368-2008, adopted 2/26/2008)

26.05 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

26.06 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

26.07 Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.

26.08 Miscellaneous Provisions

- (a) The entire parcel of land in the C-3 District shall be considered as one zoning Lot in arranging Buildings and other facilities.
- (b) The commission and/or the City Council may request a market analysis to substantiate the necessity, size, and location of the proposed development.
- (c) Applications for C-3 zoning shall submit a site plan of the proposed development as an exhibit accompanying the request for a change of zone. Such site plan shall be filed of record with the Zoning Ordinance, if passed.
- (d) The commission and City Council may zone an area for C-3 planned center zone in advance of plans for development if it is determined that said center is contemplated in the planning practices of the city. Prior to any subdivision of a C-3 District, a site plan for development of the center, which shall include all the land that existing in single ownership at the time of initial zoning as a C-3 District, or at the time this provision became effective, whichever is later, shall be submitted for approval, according to Section 49 hereof, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.
- (e) When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of six feet above the average Grade of

the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
(Ord. No. 368-2008, adopted 2/26/2008)

Section 27. O-1 Office District

27.01 General Purpose and Description

This District is designed to provide for office Buildings with attendant retail and service uses intended primarily for occupants of such office Buildings.

27.02 Permitted Uses

Uses as permitted in the Schedule of Uses, Appendix 2.

27.03 Permitted Specific Uses

Uses as permitted by Specific Use Permit in the Schedule of Uses, Appendix 2.

27.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

The Front Yard setback shall be 45 feet where parking is allowed in front of the Building. Accessory Buildings shall have a 60 foot Front Yard setback.

No side yard is required between adjacent non-residentially zoned Lots except that a side yard of not less than 15 feet in width shall be provided on the side of a Lot adjoining a residential District even when separated by an Alley. When adjacent to a residential District, even when separated by an Alley, no windows shall be permitted above 10 feet on the Building sides facing such residential District. In addition, a Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

No Rear Yard is required between adjacent non-residentially zoned Lots. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet or 20% of the depth of the Lot, whichever is lesser, shall be provided upon that portion of a Lot abutting a residential District.

No Building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond maximum Building Height.

(Ord. No. 368-2008, adopted 2/26/2008)

27.05 Parking Regulations

Off-Street parking and loading shall be provided as set forth in Section 38.

27.06 Permitted Accessory Uses

- (a) Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses, Appendix 2.
- (b) The incidental retail sale of food, beverages, and other convenience items or services is permitted to the occupants, employees, and guests, as long as these items are not advertised with outside signage.
- (c) Drive-in facilities for banks or financial institutions.
- (d) Accessory Buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, smoke dust, noise, vibration, or similar nuisance.

27.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

27.08 Miscellaneous Provisions

When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

(Ord. No. 368-2008, adopted 2/26/2008)

Section 28. I-1 Light Industrial

28.01 General Purpose and Description

The I-1 District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and Use from the intrusion of certain incompatible uses which might impede the development and Use of lands for industrial purpose. Development in the I-1 District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing

and research institutions, all of a non-nuisance type. No Use or types of uses specifically limited to the I-2 District may be permitted in the I-1 District.

28.02 General Regulations

Uses permitted in the I-1 District are subject to the following conditions:

- (a) all business, servicing, or processing, except for off-Street parking, off-Street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed Buildings unless otherwise indicated in this section.
- (b) all storage within 100 feet of a residence District, except for motor vehicles in operable conditions, shall be within completely enclosed Buildings or effectively screened with screening not less than eight feet nor more than 10 feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screen.

(Ord. No. 368-2008, adopted 2/26/2008)

28.03 Permitted Uses

Uses permitted in the I-1 District shall be as follows:

Uses as permitted in the Schedule of Uses, Appendix 2.

28.04 Permitted Specific Uses

Permitted specific uses in the I-1 District, when granted in accordance with Section 37, are listed in the Schedule of Uses, Appendix 2.

28.05 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

A 25 foot Front Yard is required except that a Front Yard of not less than 50 feet shall be provided upon that portion of a Lot abutting or across a Street or Alley from property in a residential or commercial District.

The specified side yard is required between adjacent Lots zoned for manufacturing uses. A side yard of not less than 15 feet is required where the Lot is adjacent to a Street or Alley. A side yard of not less than 25 feet shall be provided upon that portion of a Lot abutting a District zoned for anything other than manufacturing uses.

No Rear Yard is required between adjacent Lots zoned for manufacturing uses. A side yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 25 feet shall be provided upon that portion of a Lot abutting a District zoned for anything other than manufacturing uses.

A Building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 45 feet. This requirement is in addition to all other relevant setback requirements.

28.06 Parking Regulations

Off-Street parking requirements shall be provided in accordance with the specific uses set forth in Section 38.

28.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

28.08 Miscellaneous Provisions

When a non-residentially zoned Lot or tract abuts upon a zoning District boundary line dividing that Lot or tract from a residentially zoned Lot or tract, a minimum side yard of 10 feet shall be provided on the non-residential property. A Masonry wall having a minimum height of eight feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

(Ord. No. 368-2008, adopted 2/26/2008)

Section 29. I-2 Heavy Industrial

29.01 General Purpose and Description

The I-2 District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and Use of lands for industrial purpose.

29.02 Reserved

29.03 Permitted Uses

Uses shall be permitted as listed in the Schedule of Uses, Appendix 2.

29.04 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

A 25 foot Front Yard is required except that a Front Yard of not less than 50 feet shall be provided upon that portion of a Lot abutting or across a Street or Alley from property in a residential or commercial District.

The specified side yard is required between adjacent Lots zoned for manufacturing uses. A side yard of not less than 50 feet is required where the Lot is adjacent to a Street or Alley. A side yard of not less than 50 feet shall be provided upon that portion of a Lot abutting a District zoned for anything other than manufacturing uses.

No Rear Yard is required between adjacent Lots zoned for manufacturing uses. A Rear Yard of not less than 25 feet is required where the Lot is adjacent to a Street or Alley. A Rear Yard of not less than 50 feet shall be provided upon that portion of a Lot abutting a District zoned for anything other than manufacturing uses.

A Building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 45 feet. This requirement is in addition to all other relevant setback requirements.

29.05 Parking Regulations

Required off-Street parking shall be provided in accordance with the specific uses set forth in Section 26.

29.06 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

29.07 Miscellaneous Provisions

A Masonry wall having a minimum height of eight feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line. (see Section 22.11.15.7)
(Ord. No. 368-2008, adopted 2/26/2008)

Section 30. PD – Planned Development District

30.01 General Purpose and Description

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various Districts with appropriate regulations and to permit flexibility in the Use and design of land and Buildings in situations where modification of specific provisions of this Part of the Code is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

30.02 Permitted Uses

Any Use specified in this Part of the Code granting a Planned Development District shall be permitted in that District. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purposes of this Part of the Code.

30.03 Development Standards

- (a) Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, Lot area, Lot Width, Lot Depth, yard depths and widths, Building Height, Building elevations, coverage, floor area ratio, parking, access, screening, landscaping, Accessory Buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
- (b) In the PD District, the particular District(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this Part of the Code (applications without this list will be considered incomplete).
- (c) The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each District or Districts and a general statement citing the reason for the PD request.
- (d) The Planned Development District shall conform to all other sections of the ordinance and this Part unless specifically exempted in the granting ordinance.

30.04 Conceptual and Development Plans

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).

(a) Conceptual Plan

The applicant shall submit this plan. The plan shall show the applicant's intent for the Use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

- (1) A conceptual plan for residential land Use shall show general Use, thoroughfares, and preliminary lotting arrangements. For residential

development which does not propose platted Lots, the conceptual plan shall set forth the size, type, and location of Buildings and Building sites, access, density, Building Height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

- (2) A conceptual plan for uses other than residential uses shall set forth the land Use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of Use(s), topography, and boundary of the PD area, physical features of the site, existing Streets, Alleys, and easements, location of future public facilities, Building Heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
- (3) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, Building Height, or coverage of the site and which do not decrease the off-Street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the Building Official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.

(b) Development Plan or Detailed Site Plan

This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to Section 30.04(c)(1) at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

- (1) a site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

- (2) a scale drawing showing any proposed public or private Streets and Alleys; Building sites or Lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, Street widening and Street changes; the points of ingress and egress from existing Streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.
- (3) a site plan for proposed Building complexes showing the location of separate Buildings, and between Buildings and property lines, Street lines, and Alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-Street parking.
- (4) a landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
- (5) an architectural plan showing elevations and signage style to be used throughout the development in all Districts except single Family and two Family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Building Official or his designated representative.

(c) Procedure for Establishment

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 44. This procedure is expanded as follows for approval of conceptual and development plans.

- (1) Separate public hearings shall be held by the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
 - i) the applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
 - ii) information on the concept plan is sufficient to determine the appropriate Use of the land and the detail site plan will not deviate substantially from it; and

- iii) the requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- (2) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
- (3) The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.
- (4) An initial development plan shall be submitted for approval within six months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the City Council. If the entire project is not completed within two years, the City Council may review the original conceptual plan to ensure its continued validity.
- (5) Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

30.05 Written Report May Be Required

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, Building inspection, tax, police, fire, and traffic. Written comments from the applicable public school District and from private utilities may be submitted to the City Council.

30.06 Planned Developments to Be Recorded

All Planned Development Districts approved in accordance with the provisions of this Part of the Code in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this Part of the Code.

30.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 31. THOR – Thoroughfare Overlay

31.01 General Purpose and Description

This District is designed to provide for greater safety, larger development sites, and enhanced aesthetics in high traffic volume areas adjacent and/or in close proximity to major thoroughfares.

31.02 Permitted Uses

A Building or premises in a THOR District shall be used only for the following purposes:

- (a) uses as listed in Appendix 2 of this Part of the Code.

31.03 Permitted Specific Uses

A Building or premises in a THOR District shall be used only for the following purposes:

- (a) uses as listed in Appendix 2 of this Part of the Code.

31.04 Height and Area Regulations

- (a) Building Lots shall be a minimum of one acre.
- (b) Minimum Lot Width shall be 200 feet.
- (c) Front yard setbacks shall be a minimum of 50 feet.
- (d) Side yard setbacks shall be a minimum of 10 feet.
- (e) Driveway entries and exits on the same tract shall be separated by at least 150 feet.

31.05 Parking Regulations

Off-Street parking shall be provided as set forth in Section 38.

31.06 Permitted Accessory Uses

Accessory uses customarily appurtenant to a permitted Use, and Accessory Uses as permitted in the Schedule of Uses.

31.07 Signs

Signs in this District shall comply with the requirements of the City of Anna Sign Ordinance (as amended).

Section 32. F-B Food – Beverage Overlay District

This Section governs the “F-B — Food - Beverage Overlay District” (also referred to in this Code as “F-B Overlay District”).

The F-B Overlay District shall apply within the corporate limits of the City of Anna in all areas described in Appendix 4 and in all Districts designated as “C-1”, “C-2”, “C-3”, “I-1”, “I-2”, “CBRD” and “PD” (where commercial uses are allowed).

The regulations contained in this section are intended to be overlay zoning and will be applied in conjunction with all underlying zoning that currently exists within an F-B Overlay District. The regulations of the underlying zoning, and all other applicable regulations, remain in effect. If provisions of the F-B overlay District conflict with provisions of the underlying zoning or any other regulations, the provisions of the F-B Overlay District shall prevail.

It shall be unlawful for any Food-Beverage Store to be constructed, erected, or placed within 500 feet of another existing Food-Beverage Store unless the City Council grants a special Use permit for a particular establishment that wishes to develop a Food-Beverage Store within 500 feet of an existing Food-Beverage Store. An establishment is considered to be an “existing Food-Beverage Store” once the City has issued a valid Certificate of Occupancy for a use that falls under the definition of a Food and Beverage store. (*Ord. No. 496-2010, adopted 5/25/2010*)

The measurement of the distance between Food-Beverage Stores shall be along the property lines of the Street fronts and from front door to front door, and in direct line across intersections.
(*Ord. No. 390-2008, adopted 6/24/2008*)

Section 33. FP - Floodplain District

33.01 Floodplain Prefix to District Designation

The FP prefix designation constitutes a zoning overlay District, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under State law. Further public notice to all downstream property owners within the City of Anna with like FP zoning is required prior to any such zoning action.

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the health, safety and

general welfare of the community, portions of certain Districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

33.02 Permitted Uses

In this District no land shall be used except for one or more of the following permitted uses to the extent- that they are not prohibited by other regulations or ordinances and provided that such uses do not require above-ground structures, filling or storage of material or equipment except as herein specifically authorized.

- (a) Agricultural activities including the ordinary cultivation of land or legal Farms of animal husbandry.
- (b) Electrical substation.
- (c) All types of local utilities, including but not limited to water distribution and waste water collection systems, water and waste and wastewater treatment facilities and water quality/monitoring stations or other structures required to provide water and sewerage, telephone, gas and electrical services.
- (d) Parks, community centers, playgrounds, public golf courses.
- (e) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by Conditional Use zoning action.
- (f) Facilities that would warrant no flood protection, such as accessory private Open Space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.
- (g) Parking areas associated with a part of contiguous land Use.

No Building or structure shall be erected in that portion of a District designated with a floodplain FP prefix other than those listed in this section.

There shall be no dumping, excavation, storage or filling operations within that portion of a District having a floodplain FP prefix designation except under conditions of this Part of the Code and any City of Anna ordinances that may be relevant to this issue.

33.03 Conditions for Adding FP Prefix Designation

The City Council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation

by floodwaters. The City Council shall provide for the addition of such floodplain FP prefix designation to the zoning District maps.

33.04 Conditions for Removal of FP Prefix Designation

The City Council, in considering and determining its recommendation relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish to the administrator fill and development plans, (hydraulic calculations concerning maximum high water and flow rates and their effect on abutting, lateral, and downstream properties) and data concerning the operation, location, function and characteristics of any Use of land or Building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

Section 34. Special Uses

34.01 Child Care Centers

- (a) No portion of a child care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- (b) Child care centers shall be located adjacent to a Street having a pavement width of 27 feet or greater.
- (c) Site plan approval by the Planning and Zoning Commission shall be required for all child care center sites.
- (d) Child care centers located within any single Family or two Family residential District shall be required to plat in multiples of the minimum Lot Width of the District classification requirements. The Lot Depth shall meet the minimum District requirements and must be platted in a configuration which can be converted into standard Lots for residential development.
- (e) All child care centers shall comply with the following standards:
 - (1) all vehicular entrances and exits shall be clearly visible from the Street.
 - (2) all passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - (3) outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be

waived by the Planning and Zoning Commission if the child care is provided for less than four hours per day for an individual person.

- (4) in residential Districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the child care facility premises and safely accessible without crossing, at-Grade, any major or secondary thoroughfare.
- (5) no child care center shall be part of a one Family or two Family dwelling.

34.02 Construction Yards, Field Offices, Batching Plants and Other Temporary Buildings

Temporary permits for construction yards, field offices and batching plants and specific use permits or variances regulating temporary Buildings shall be issued for a period of time not to exceed 18 months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the Use of the Building or structure is contrary to the intent of this Part of the Code or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

34.03 Radio, Television, and Microwave Towers

- (a) All towers shall satisfy the minimum setback requirements.
 - (b) All towers must meet manufacturers installation standards or be approved by a Professional Engineer, Licensed in the State of Texas.
 - (c) All towers in excess of 30 feet are required to be equipped with a climbing guard.
 - (d) Specific requirements for towers located in residential Districts (SF-E, SF-84, SF-72, SF-1, SF-60, SF-2, TF, SF-Z, SF-TH, MF-1, MF-2, MH-1 & MH-2) and the CBD.
- (1) The maximum height shall be 65 feet including mast and antennas, measured from the ground.
 - (2) All towers including mast and antennas in excess of 30 feet shall be located not less than the height of the tower including mast and antennas minus 30 feet from the nearest property line.
 - (3) No tower in a residential District shall be located in the Front Yard.
- (e) Specific requirements for towers located in non-residential Districts.

- (1) A specific use permit is required for towers in these zoning Districts.
- (2) The minimum distance to the nearest property line (measured from any point on the tower) shall be 20% of the height of the tower.
- (3) The minimum distance to any existing or planned Street right of way (measured from any point on the tower) shall be 50 feet.
- (4) The minimum distance to a residential property line (measured from any point on the tower) shall be two times the total height of tower (including any mast or antennas).
- (5) All towers in excess of 65 feet from the ground and any guy anchors (if used) shall be enclosed by a locked security fence not less than eight feet in height. Towers shall also be equipped with an appropriate anti-climbing device.
- (6) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. At a tower site, the design of the Buildings and related structures shall, to the extent possible, Use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. If the antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (7) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations.
- (8) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local Building codes and the applicable standards for towers that are published by the Electronic Industries Association as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to

bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said 30 days, the city may remove such tower or cause such tower to be removed at the owner's expense.

- (9) Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days or receipt of notice from the Building Official notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Building Official may cause such antenna or tower to be removed at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (10) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) are prohibited.

34.04 Residence Hotels

Residence hotels shall be designed to allow for their potential conversion to Multifamily residences and as such shall comply with all minimum standards set forth in the NC District and Residence hotels constructed in the MF District shall comply with the MF District requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to Multifamily residences.

34.05 Garden (Patio) Homes

- (a) Location on Lot: Garden (patio) home developments shall be developed as Zero Lot Line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of 10 feet. A minimum three-foot wide maintenance easement shall be placed on the adjacent Lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. The combined area of all structures shall not exceed 65% of the Lot area.
- (b) Front Yard Setback: The minimum Front Yard shall be 15 feet, provided that in no case shall a garage or carport fronting onto a Street be less than 20 feet from the property line adjacent to the Street. The Front Yard setback may be staggered, varied, or reduced to a minimum setback of 10 feet for Lots facing cul-de-sac or loop Streets not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be

25 feet. A minimum Lot Depth of 65 feet, as measured from front Building Line to rear Lot line, shall be maintained.

- (c) Rear Yard Setback: The minimum Rear Yard shall be five feet for a single Story structure and 15 feet for any two-Story structure. If access is from an Alley, the minimum setback will be 20 feet for garages or carports.
- (d) Side Yard Setback: The minimum side yard shall be zero feet except that there shall be at least 10 feet of separation between structures. When garden (patio) homes are constructed with a zero side yard, five feet on the Lot adjacent to the zero setback shall be dedicated as an access easement for the zero setback garden (patio) home. There shall be a minimum of 20 feet from any property line adjacent to a Street.
- (e) Lot Frontage: The minimum Frontage of any garden (patio) home shall be 25 feet on residential Streets and 35 feet on collector and thoroughfare Streets.
- (f) Lot Area: The minimum Lot area for any development Lot for garden (patio) homes shall be 2,800 feet.
- (g) Maximum Length of Structures: No Zero Lot Line structure shall have an overall length exceeding 250 feet.
- (h) Maximum Height of Structures: No structure shall exceed two stories or 35 feet in height.
- (i) Parking: Two off-Street spaces per Dwelling Unit plus 1/2 space per Dwelling Unit for visitor parking within 600 feet of each Dwelling Unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-Street parking for visitors.
- (j) Common Area Maintenance: To insure the long term maintenance of common land and facilities in patio home developments, the following shall be required:
 - (1) plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of Open Spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.
 - (2) the HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance

assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the Use of a pro-rata formula for all property owners.

- (k) Usable Open Space Requirements: Each parcel of land developed under patio home standards shall provide usable Open Space totaling 15% of the area of a patio home development. Such Open Space shall have a maximum slope of 10% and shall be exclusive of Street and Alley rights-of-way and/or easements, individually platted Lots without Open Space easements, private yards and patios. The 15% shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
- (l) Additional Landscaping: In addition to any required landscaping for common areas, the Front Yard and parkway areas shall be landscaped and permanently maintained.

34.06 Multifamily Residence

- (a) Courts: Where an Apartment Building is erected so as to create inner Courts, the faces of all opposite walls in such Courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such Court area for a distance greater than five feet.
- (b) Usable Open Space: Each Lot or parcel of land which is used for multiple-Family residences shall provide on the same Lot or parcel of land usable Open Space (as defined in Section 4), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms
or Sleeping Rooms

| | |
|-----------|-------------|
| 1 or Less | 600 Sq. Ft. |
|-----------|-------------|

| | |
|-----------------------------------|-------------|
| Each Additional Bedroom Over 1 | 300 Sq. Ft. |
|-----------------------------------|-------------|

In those instances where a parcel of land has been zoned for Multifamily Use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable Open Space shall be provided in accordance with that required for the Multifamily zoning District which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within 10 feet of a pool; developed and equipped children's play areas; and usable portions of recreational Buildings. Tennis Courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed 10% of the total required usable Open Space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed 50% of the total usable Open Space for an individual Lot or parcel of land.

At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

34.07 Service Stations

Gasoline service station pump islands may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front Building Line but shall not be closer than 10 feet to the property line.

34.08 Bed and Breakfast Facilities

(a) Defined

See Section 34.01(a)

(b) Specific Use permit for bed and breakfast facility

No individual property owner shall Use his residence as a bed and breakfast facility, as that term is defined herein, without first having received a specific use permit from the City Council of the City of Anna.

(c) Permitted in specific Districts

See Schedule of Uses, Appendix 2.

(d) Special regulations

The following special regulations shall apply to all specific use permits issued for bed-and-breakfast facilities:

- (1) All bed and breakfast facilities must be owner-occupied and managed at all times.
- (2) The maximum number of bedrooms which may be rented is five, unless the City Council specifically finds that the structure and tract on which it is located is of sufficient size to permit more bedrooms and that the same will not adversely impact the surrounding properties.
- (3) No cooking facilities shall be permitted in any of the bedrooms.
- (4) One attached sign shall be permitted on the premises. Such signs shall not exceed four square feet in area and shall not include the word "hotel" or "motel."
- (5) Off-Street parking shall be provided equal to one Parking Space per guest bedroom and shall be screened from all Streets. No parking shall be permitted in the Front Yard area.
- (6) The facilities shall meet all of the minimum requirements of the city-county health department and shall conform in all respects to the requirements of the fire code, Building code, electrical code and plumbing code.
- (7) All such facilities shall be responsible for the collection of the city hotel/motel tax.
- (8) All city-county health officers, Building inspectors, the fire marshal and his assistants and other code enforcement officials of the City of Anna shall have the right to go on any premises of a bed and breakfast facility during normal business hours for the purpose of verifying compliance with this section and all other applicable ordinances of the City of Anna.

34.09 Private Clubs

- (a) Specific Use permit required.

In order to protect the general health, well-being and welfare of the citizens of Anna, the City Council declares it to be the policy of the city that private Clubs for the consumption of alcoholic beverages shall not be permitted within the city without such establishment having first secured a specific use permit approved by the City Council

under the terms and regulations of this Part of the Code. The permit shall take the form of a letter from the City Council to the applicant, receipt of which is necessary before operation of a private Club.

(b) Penalty for operation without permit

It shall be unlawful for any person to operate a private Club for the sale or dispensing of alcoholic beverages without first having secured a specific use permit from the City Council. Operation of a private Club without first securing a specific use permit shall be deemed a misdemeanor and any person convicted thereof shall be fined any sum not exceeding \$200, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation.

(c) Location

- (1) Service and consumption of alcoholic beverages in a Planned Development (PD) may be allowed subject to inclusion in and approval of the PD regulations by the City Council. Such PD regulations shall control to the exclusion of this Part of the Code other than compliance with the provisions of the Texas Alcoholic Beverage Code.
- (2) Establishments seeking to qualify under this section, except those in a PD, must be located in an area zoned C-2, CBRD, or C-3 and such premises shall not be located within 300 feet of the property line of any church, public or parochial school, Hospital, extended care facility or public park, except that this prohibition will not apply to property located within 300 feet of a public park if the City Council affirmatively finds that the issuance of the specific use permit will not be detrimental or injurious to the public health, safety, or general welfare or otherwise be injurious to the inhabitants.

The 300-foot distance shall be measured from the front door of the premises to the nearest property line of a public park. The measurement of the distance between the private Club and the church, Hospital, or extended care facility shall be along the property lines of the Street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the private Club and the public or parochial school shall be from the nearest property line of the public or parochial school to the nearest doorway by which the public may enter the private Club, along Street lines and in direct line across intersections.

- (3) Establishments for the on-premises sale or consumption of alcoholic beverages shall be located within an area containing two acres or more in size and zoned C-2, CBRD, and/or C-3. Said area need not be under single ownership, and areas separated by a minor or secondary Street are to be

considered contiguous for determination of the acreage requirement. Where areas are separated by an arterial thoroughfare, existing or proposed, they shall be considered separate areas for determining acreage requirements as set forth in this section.

(d) Operational regulations

- (1) Not less than 50% of the gross receipts of such establishment shall be derived from the sale of food consumed on the premises. Food service shall be available at any time alcoholic beverages are being served. The service of alcoholic beverages without food is prohibited in dining areas and is restricted to a bar or lounge area as described in this section. The holder of such permit shall provide audits at its expense as more fully set forth in this section.
- (2) Such establishments shall contain a minimum of 100 dining seats, allowing a minimum of 12 square feet of dining area per dining chair. Calculation of the square feet of dining area shall exclude kitchen and storage areas, bar and lounge areas, and cashier and reception areas.
- (3) Such establishments shall comply with all of the provisions of the Texas Alcoholic Beverage Code and receive a private Club permit from the state within six months from the date of issuance of specific use permit by the city, each such limitation in time being subject to extension by the City Council.
- (4) The City Council may revoke a specific use permit upon the finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. Said specific use permit shall be subject to review based on recommendation from the police department that the public safety has been or is being jeopardized. The City Manager and the chief of police are specifically authorized to receive, accept, and investigate complaints from any source.
- (5) A private Club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary Use, e.g., the dining or reception area of a restaurant, hotel or motel. Emergency exits directly to the outside are permitted.
- (6) No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Code and the city Sign Ordinance.

(e) Audit

- (1) The permittee of each private Club in the city which has been in operation for at least six months prior to a December 31st calendar year shall select and engage a certified public accounting firm to conduct an annual audit of the operations of such private Club during such period. The year upon which such audit shall be conducted shall begin January 1, and end December 31. The purpose of this audit shall be to determine whether or not the permittee has complied with the gross receipt requirements of Section 34.09(d)(1) The audit shall clearly reflect:
 - i) the total gross receipts of the permittee for the audit year from all operations on the premises for which the specific use permit for a private Club is issued;
 - ii) the percentage of such gross receipts derived from the sale of food; and
 - iii) the percentage of such gross receipts derived from the sale of alcoholic beverages.
 - (2) The audit shall indicate whether or not further inquiry should be made by the city into the permittee's operations to determine whether all other requirements for the operation of a private Club were satisfied during the audit year.
 - (3) The audit shall be completed and a copy furnished to the City Council through the City Manager's office not later than April 1 of the year following the audit year. The audit shall be performed and a copy furnished to the City Manager at the sole expense of the permittee.
 - (4) If not received by April 1, the City Council shall have the right to select and engage a certified public accounting firm to perform the audit described herein. The permittee shall reimburse the city for all expenses incurred in obtaining this audit.
- (f) Public hearing in cases of apparent noncompliance
- (1) In the event of apparent noncompliance as determined by the City Manager or his designee, a public hearing may be scheduled for a future City Council meeting for the purpose of determining such compliance or noncompliance of the permittee for the audit year with the requirements of this section for the operation of a private Club. The permittee shall be given at least 10 days' written notice of the date, time and place of the public hearing.
 - (2) A specific use permit shall remain in full force and effect pending such public hearing.

(g) Remedies for noncompliance

- (1) At such public hearing, the permittee may appear in person, or by attorney or representative, and shall further have the right to cross-examine witnesses, and to offer such evidence and testimony as he desires with regard to compliance or noncompliance as described above. Upon hearing all evidence with regard to the matter, the City Council shall enter an order finding compliance or noncompliance on the part of the permittee. If the order finds compliance, the matter shall be concluded for that audit year.
- (2) If the order finds noncompliance for the audit year, the City Council shall further provide for one of the following actions:
 - i) Immediate suspension of the permittee's operation of the private Club on the premises; and immediate implementation of procedures to revoke and delete the specific use permit for a private Club designation from the zoning of the permittee's property.
 - ii) Establishment of a six-month period of probation during which the permittee may continue operations under its specific use permit for a private Club. The purpose of this probationary period is to allow the permittee to come into compliance with the requirements which were found to be noncompliant as a result of the public hearing.
- (3) At the end of the probationary period referenced in subsection (g)(2)(ii) above, if same is ordered, an additional audit shall be performed at the permittee's expense utilizing the following procedures.
 - i) The auditor shall be selected and engaged by the City Council. The purpose of the audit shall be to determine compliance or noncompliance of the permittee during the entire probationary period with all requirements of this section. upon completion of such audit, the original copy shall be furnished to the City Council, with a copy to the permittee.
 - ii) Upon receipt by the city of an audit of a permittee's probationary period, the matter shall be scheduled for consideration at a City Council meeting. Written notice shall be given to the permittee. The permittee, his representative or attorney shall have the right to appear at such meeting and to present any testimony or evidence regarding compliance or noncompliance with this section, or even the results of the audit, as may be desired. Upon hearing of all evidence and testimony, the City Council shall enter an order finding compliance or noncompliance with the requirements of this section.

- iii) If the order finds compliance, the probationary period shall be ended, and the permittee's operations under the specific use permit may be continued.
 - iv) If the order finds noncompliance, the permittee shall immediately cease the operation of the private Club on the premises. Procedures shall immediately be implemented on behalf of the city to revoke and delete the specific use permit for a private Club designation from the zoning for the permittee's property.
- (4) A specific use permit for the operation of a private Club shall not be issued for a period of one year for an establishment which has had a specific use permit revoked pursuant to this Section 34.09 of this Part of the Code.

34.10 Swimming Pools

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

- (a) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.
- (b) A swimming pool may be constructed and operated when:
 - (1) the pool is not located in any required front or side yard abutting a Street;
 - (2) a wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area (see Section 34.15 of this Part of the Code for additional regulations regarding enclosing of pools);
 - (3) all lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
 - (4) no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

- (5) the swimming pool is no closer than eight feet from any property line.

34.11 Swimming Pool Enclosures

- (a) Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. Exceptions are as follows:
- (1) this provision shall not apply to (a) bodies of water other than swimming pools which are owned or controlled by the federal government, state, county or any agency, subdivision or department thereof; or (b) bodies of water located in natural drainage ways;
 - (2) in single Family occupancies, the enclosure may surround the entire single-family premises; and,
 - (3) in multi-Family occupancies, the enclosure may include the Courtyard that surrounds the pool.
- (b) An enclosure shall be a fence, wall, or Building not less than six feet in height with no openings, holes or gaps larger than four inches measured in any direction, except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.
- (c) Gates and doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed, said latching device to be attached to the gate or door not less than 36 inches above the Grade or the floor. Exception: The doors of any Building forming any part of the enclosure hereinabove required need not be so equipped.
- (d) Swimming pools in existence on the effective date of this Part shall be fenced in accordance with the requirements hereinabove set forth, and it shall be unlawful for any person to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.
- (e) All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this

section have been complied with by the owner, purchaser under contract, lessee, tenant or licensee.

34.12 Sale of Alcoholic Beverages

- (a) This section 34.12 shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge.

(Ord. No. 590-2012, adopted 8-28-12)

- (b) The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances and regulations of the City.

(Ord. No. 590-2012, adopted 8-28-12; Cross reference: Part II, Article 3, ALCOHOLIC BEVERAGES)

- (c) The sale of liquor and the sale of beer is prohibited in any residential area within the City's corporate limits. Subject only to the exception in subsection (k) of this section, the term "residential area" includes locations that are within any of the following zoning districts or areas:

- (1) SF-E - Single Family Residential - Large Lot
- (2) SF-1 - Single Family Residential;
- (3) SF-84 - Single Family Residential;
- (4) SF-72 - Single Family Residential;
- (5) SF-60 - Single Family;
- (6) SF-Z - Single Family Zero Lot Line;
- (7) SF-TH - Single Family Town Home;
- (8) MH-1 - Manufactured Home District;
- (9) MH-2 - . Manufactured Home Park District;

- (10) TF Duplex - (Two Family Residential);
- (11) MF-1 - Multiple Family Residential - Medium Density;
- (12) MF-2 - Multiple Family Residential - High Density;
- (13) PD - Any residential part of a Planned Development District; or
- (14) Any tract, lot or subdivision upon which is located any of the "Residential Uses" list in Appendix 3 of this Part of the Code, as amended.

(Ord. No. 590-2012 adopted 8-28-2012; Ord. No. 183-2005, adopted 02/12/05)

- (d) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within 300 feet of any church or public Hospital. The measurement of the distance between the Alcoholic Beverage Store and the church or public Hospital shall be along the property lines of the Street fronts and from front door to front door, and in direct line across intersections.
- (e) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within 300 feet of any public or private school. The measurement of the distance between the place of business and the public or private school shall be:
 - (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) if the permit or license holder is located on or above the fifth Story of a multistory Building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the Building at the property line to the base of the floor on which the permit or license holder is located.

(Ord. No. 590-2012 adopted 8-28-2012)

- (f) It shall be unlawful for any person who operates an Alcoholic Beverage Store to sell alcoholic beverages within 300 feet of any existing day-care or child-care facility. The measurement of the distance between said Alcoholic Beverage Store and the day-care center or child-care facility shall be in a direct line from the said Alcoholic Beverage Store to the property line of the day-care center or child-care facility. For the purposes of this subsection and subsections (g) and (h), below,

the terms “day-care center” and “child-care facility” have the meanings defined under Section 42.002, Texas Human Resources Code.

- (g) Subsection (f) of this section only applies to a permit or license holder under Chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate. Subsection (f) does not apply to a permit or license holder who sells alcoholic beverages if:
 - (1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
 - (2) the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.
 - (h) An establishment that derives 75% or more of the establishment's gross revenue from the sale of alcoholic beverages for on-premises consumption may not be located within 1000 feet of a public school, private school, church, day-care center or child-care facility, as those terms are described in the Texas Alcoholic Beverage Code. The measurement of the distance between such establishment and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between such establishment and the public school, private school, day-care center, or child-care facility shall be:
 - (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (Ord. No. 590-2012, adopted 8-28-2012 Ord. No. 183-2005, adopted 02/12/05)*
- (i) An establishment that derives 75% or more of the establishment's gross revenue from the sale of alcoholic beverages for on-premises consumption may not be located within a THOR - Thoroughfare Overlay District nor an F-B - Food - Beverage Overlay District as those areas are defined in this Part of the Code as amended.

(Ord. No. 590-2012, adopted 8-28-2012 Ord. No. 183-2005, adopted 02/12/05)

- (j) An establishment that derives 75% or more of the establishment's gross revenue from the sale of alcoholic beverages for on-premises consumption may not be located closer than 1,000 feet to an existing establishment that derives 75% or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages. The measurement of the distance between said establishments shall be in a straight line in all directions from the said establishment to the nearest point of other such establishment. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures. For the purposes of this subsection, the term "existing establishment that derives 75% or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages" means such an establishment that is in lawful operation or that holds a current and valid certificate of occupancy for such operation.
- (k) For the purposes of this subsection, the term "downtown area" means the area identified in Chapter 6 of the City of Anna Comprehensive Plan 2010-2030, as shown in Figure 13 of said Comprehensive Plan. Notwithstanding anything to the contrary in this section:
 - (1) the regulations in subsections (d), (e), (f), and (g) of this section do not apply to any land or Uses in the portion of the downtown area shown to be within the dotted boundary line in the figure below; and
 - (2) regardless of whether any residential Uses may be in existence or may be located within the portion of the downtown area shown to be within the dotted boundary line in the figure below, said portion of the downtown area is not within the definition of residential area as set forth in subsection (c) of this section.

(Ord. No. 590-2012, adopted 8-28-2012); see figure below or next page.

34.13 Wind Energy Conversion Systems

In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a Lot.

(a) Applicability and Definitions. Terms defined below shall be used for the purposes of this Section 34.13.

(1) Wind Energy Conversion Systems. A Wind Energy Conversion System consists of a wind-driven turbine (whether roof or tower mounted) and associated control or conversion electronics for the purpose of providing electrical power to a privately-owned Lot or parcel.

(2) Wind Turbine. The individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the Shroud and the towers or supporting structures.

(3) Building Code(s). All codes, ordinances, regulations, policies and procedures, and standards adopted and enforced by the City.

(4) Fire Code(s). All codes, ordinances, regulations, policies and procedures, and standards adopted and enforced by City.

(5) FAA. The use of this acronym shall denote the Federal Aviation Administration, or any other applicable authority that regulates air safety within the City's jurisdiction.

(6) Shroud. A safety device that covers the blades of a Wind Turbine on all sides in a manner that substantially reduces the potential that the blades would cause injury or damage to any Persons, animals or items of property coming into contact with the Wind Turbine.

(b) Standards. All Wind Energy Conversion Systems are subject to and must comply with the following provisions:

(1) Setbacks. Minimum setbacks for Wind Turbines shall be:

- i) A minimum of 1.1 times the total extended height of the Wind Turbine—as measured from average ground level of the Lot to the uppermost part of the wind turbine—from the project property lines.
 - ii) Guy wire anchors may not extend closer than 10 feet from any property line.
- (2) Number per Lot or parcel. A maximum of two Wind Turbines per Lot or parcel is permitted on Lots or parcels less than one-half acre in size; a maximum of four Wind Turbines per acre are permitted on Lots or parcels at least one-half acre in size.
- (3) Height. Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted Wind Energy Conversion Systems—as measured from average ground level of the Lot to the uppermost part of the wind turbine—is 35 feet on parcels less than 5 acres in size and 70 feet on parcels 5 acres or greater. If roof mounted, the Extended Height shall not exceed 10 feet above the roof ridge and in no case be higher than 35 feet.
- (4) Lighting. Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.
- (5) Access. All tower-mounted Wind Energy Conversion Systems must comply with the following provisions:
 - i) the tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and
 - ii) all ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- (6) Rotor Safety. All Wind Turbines shall comply with the following Rotor Safety requirements:
 - i) Each Wind Turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of

the rotor. An external, manual shut-off switch shall be included with the installation.

- ii) The minimum distance between the ground and any protruding blades utilized on a private Wind Turbine shall be 10 feet as measured at the lowest point of the arc of the blades.
 - iii) All blades of a Wind Turbine are required to be within a Shroud.
- (7) Noise. All Wind Turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.
- i) No Wind Energy Conversion System or combination of Wind Energy Conversion Systems on a single Lot or parcel shall create noise that exceeds a maximum of 35 decibels (dBA) at any property line where the property on which the Wind Energy Conversion System(s) is located or the abutting property is less than one acre; or, a maximum of 50 decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
 - ii) Any Wind Energy Conversion System(s) exceeding these levels shall immediately cease operation upon notification by the Building Official and may not resume operation until the noise levels have been reduced and verified by an independent third party inspector, approved by the Building Official, at the property owner's expense. Upon review and acceptance of the third party noise level report, Building Official will allow operation of the affected Wind Energy Conversion System(s). Wind Energy Conversion System(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by Building Official, after a period established by Building Official.
- (8) Aesthetics and Maintenance.
- i) Appearance. Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the Wind Turbine. In addition, any changes to the approved color shall result in notification by the Building Official that the affected Wind Turbine(s) shall cease operation until a color correction has been made. If the affected Wind Turbine(s) are not repainted, using an approved color, within the

period established by the Building Official, the owner shall remove the affected Wind Energy Conversion System(s).

- ii) Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
 - iii) Maintenance. Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.
- (9) Signs/Labels. The only advertising sign allowed on the Wind Turbine shall be a manufacturer's label, not exceeding one square foot in size.
- (10) Compliance with FAA Regulations. All Wind Turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.
- (11) Certified Safe. A Texas Professional Engineer sealed drawing or statement shall accompany a building permit application confirming that the Wind Energy Conversion System(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.
- (c) Repair and Removal of Wind Turbines. Any Wind Turbine found to be unsafe by the Building Official or Fire Department shall immediately cease operation upon notification by the Building Official or Fire Department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six months. Wind turbines that are not operated for a continuous period of 12 months shall be removed by the owner of the Wind Turbine.
- (1) When a Wind Turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the Wind Turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Wind Turbine is no longer connected to the public utility electricity distribution system.
- (d) Mounting of Wind Turbines. Attachment of the Wind Turbine, including any support or structural components, to any building or structure shall be in strict compliance with Building Codes and Fire Codes. Galvanized steel or metal is the acceptable system for the support structures.
- (e) Compliance with Regulations.

- (1) All Wind Energy Conversion Systems shall comply with applicable Fire Codes and Building Codes .
- (2) All standards and regulations under this Section 34.13 and other applicable fire and building codes are mandatory. Once Wind Turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the Wind Turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more Wind Turbines.

Section 35. Supplementary District Regulations

35.01 Accessory Buildings

The following regulations shall govern the location, size, and Use of any Accessory Buildings:

- (a) No Accessory Building shall be erected in any required yard area as stipulated in this Part of the Code, except as allowed in the following paragraphs.
- (b) No Accessory Building shall be erected within 10 feet of any other Building, except: detached residential garages may be located within five feet of the main dwelling; and the provisions of paragraph (e) below are met.
- (c) No detached residential garage or carport shall be erected or placed closer to any Street or Alley right-of-way line than the minimum yard requirements (Building set-back line) governing the District in which such garage or carport is located.
- (d) No detached residential garage or carport shall be erected or placed within eight feet from any side Lot line.
- (e) Residential Accessory Buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main Building but shall not encroach in any required Front Yard and may not occupy more than 30% of the Rear Yard.
- (f) No Accessory Building shall be used for dwelling purposes other than by domestic employees employed on the premises, as provided in the applicable zoning District.
- (g) No Accessory Building shall be higher than the main Building and in no case be in excess of 18 feet in height.

- (h) No Accessory Building shall be erected or placed within five feet of any side or rear Lot line and shall not encroach upon any easement.

35.02 Front Yard Adjustments

Front yard requirements as established in Appendix 1, "Zoning District Area Regulations", may be adjusted where 40% or more of the Frontage on the same side of a Street between two intersecting Streets is presently developed or may hereafter be developed with Buildings that have (with a variation of 10 feet or less), a Front Yard greater or lesser in depth than herein required, new Buildings shall not be erected closer to the Street than the average Front Yard so established by the existing Buildings.

35.03 Projections of Buildings, Structures, and Appurtenances into Required Yards

- (a) Open or lattice enclosed fire escapes may project into a required yard not to exceed five feet. The ordinary projections of chimney's pilasters shall be permitted by the city's Building Official when placed so as not to obstruct light and ventilation.
- (b) Terraces, balconies, decks, uncovered porches and ornamental features which do not extend more than four feet from the side wall line, above the floor level of the ground (first) Story, may project into a required side yard, provided these projections be a distance at least two feet from any adjacent side Lot line. Such features may not project onto a required front or Rear Yard more than eight feet from the front or rear wall line.
- (c) An unenclosed porch containing not more than 40 square feet may project into a required Front Yard for a distance not to exceed five feet.
- (d) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed except for necessary structural supports, and not less than five feet from any side Lot line.
- (e) Every part of a required yard shall be open to the sky, unobstructed by a Building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches, or as otherwise excepted in paragraphs (a) through (d) above. Roof eaves may project in required side yards not to exceed twenty-four inches.

35.04 Waiver of Strict Compliance with Masonry Requirements.

An existing or proposed Use that includes or is proposed to include one or more Buildings with exterior walls that are normally constructed with materials that are consistent with regionally or nationally recognized commercial brand architectural design may apply in writing to the City Council for a full or partial waiver of any Masonry requirement that applies to such exterior walls. The City Council by ordinance may grant such a full or partial waiver if:

- (a) the City Council finds that the design will not negatively impact the surrounding properties; and
- (b) the request is deemed by the City Council to be appropriate and desirable for the overall design and direction of the City and not directly in conflict with the City's Comprehensive Zoning Plan.

(Ord. No. 2002-18, adopted 8/13/2002; Ord. No. 580-2012 adopted 4/24/2012)

35.05 Residential Architectural Standards

- (a) House repetition.

- (1) Within residential developments, single family homes with substantially identical exterior elevations can only repeat every four (4) lots when fronting the same right-of-way including both sides of the street.
- (2) Homes side by side or across the street within one house (directly across the street or "caddy corner" across the street) shall not have substantially identical exterior elevations.

- (b) Roofs.

- (1) Except for porch roofs and shed roofs, pitched roofs shall have a minimum slope of 6" x 12" (six inches vertical rise for every 12 inches horizontal run) and shall have an overhang at least 1' (one foot) beyond the building wall; however, the overhang shall not encroach into a setback more than one foot. Porch roofs and shed roofs must have a minimum pitch of 4" x 12".
- (2) Roofing materials in all residential districts may only consist of architectural asphalt shingles (including laminated dimensional shingles), clay and concrete tile, metal shingles, mineral-surfaced row roofing, slate and slate-type shingles, wood shingles, wood shakes or an equivalent or better product as compared with said materials. Should architectural shingles be used as roofing material, said shingles shall be accompanied with a minimum 25 year

warranty. Under no circumstance shall three-tab shingles be used as roofing material.

- (c) Garages. On front entry garages the face of a garage may not: (1) be extended more than ten feet beyond the remainder of the front elevation of the primary living area of a house; or (2) be over 60% of the total frontage width of a house except where swing drives ("J" drives) are used. Porches or columns are not considered part of the front elevation of the primary living area.
- (d) Building Articulation. At least four façade articulation techniques are required on each single family home to add architectural variety and interest to a building. The following features shall be acceptable techniques of exterior articulation.
 - (1) A base course or plinth course; banding, moldings, or stringcourses; quoins; oriels; cornices; arches; balconies; brackets; shutters; keystones; dormers; louvers as part of the exterior wall construction. (Quoins and banding shall wrap around the corners of the structure for at least two feet.)
 - (2) Horizontal banding continuing the length of the wall that faces a street, or other similar highly visible areas.
 - (3) The use of both stone and brick on the front elevations with a minimum of ten percent coverage of one of the elements.
 - (4) Front porch of at least 50 square feet.
 - (5) The installation of at least two (2) coach lights.
 - (6) Other techniques for Building Articulation can be substituted if administratively approved by the Administrative Official.
- (e) Fenestration.
 - (1) Windowless exterior walls, excluding garage doors, that face a public right-of-way, or other similar highly visible areas are prohibited. On two story structures, windows are required on the first and second story facing a public right-of-way.
 - (2) Windows shall be in harmony with and proportionate to the rest of the structure.
 - (3) The use of reflective glass on residential structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15% or greater.

(f) Masonry Content.

- (1) Except as noted below, the exterior walls (excluding windows and doors) on the First Floor Front Elevation of any single family home shall be 90 percent masonry and 80 percent on the second floor front elevation. The total cumulative surface area of the remaining exterior walls (excluding windows and doors) shall be 80% masonry.
 - (2) Except as noted below, the exterior walls (excluding windows and doors) on the Front Elevation of any multi-family structure shall be 100 percent masonry. The total surface area of the remaining exterior walls (excluding windows and doors) shall be 90% masonry.
 - (3) Second floor Dutch Gable Roof elements are not required to be masonry if setback at least 3 feet from the first floor front elevation vertical plane.
 - (4) Residential masonry standards do not apply to the SF-1 district.
- (g) Exceptions to the Residential Architectural Standards in this section may be only occur after application and review by the Planning and Zoning Commission and approval by the City Council by Specific Use Permit.
(Ord. No. 597-2012, adopted 10/23/2012)

Section 36. Building Permits and Certificates of Occupancy

36.01 Building Permits Required

No Building or other structure shall be erected, moved, added to, enclosed, or structurally altered without a permit therefore where applicable, and issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Part of the Code, unless he receives a written order from the planning and zoning commission or City Council in the form of an administrative review, special exception, or variance as provided by this Part of the Code.

36.02 Application for Building Permit

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the Lot to be built upon; the exact sizes and locations on the Lot of Buildings already existing, if any; and the location and dimensions of the proposed Building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed Building or alteration; existing or proposed uses of the Building and land; the number of families, housekeeping units, or rental units

the Building is designed to accommodate; conditions existing on the Lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Part of the Code. One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Administrative Official.

36.03 Expiration of Building Permit

If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Failure by the Administrative Official to provide such written notice shall not have an effect on the expiration of a building permit. (*Ord. No. 457-2009, adopted 08/25/09*)

36.04 Certificate of Occupancy Required

It shall be unlawful to Use or occupy or permit the uses or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its Use or structure until a Certificate of Occupancy shall have been issued therefore by the Administrative Official stating that the proposed Use of the principal Building or land conforms to the requirements of this Part of the Code.

- (a) No permit for erection, alteration, moving, or structural repair of any Building shall be issued until an application has been made for a Certificate of Occupancy, and the certificate shall be issued in conformity with the provisions of this Part of the Code upon completion of the work.
 - (b) A temporary Certificate of Occupancy may be issued by the Administrative Official for a period not exceeding six months during alterations or partial occupancy of a Building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
 - (c) The Administrative Official shall maintain a public record of all Certificates of Occupancy.
 - (d) Failure to obtain a Certificate of Occupancy shall be a violation of this Part of the Code and punishable under this Part of the Code.
- (*Ord. No. 457-2009, adopted 08/25/09*)

36.05 Construction and Use to Be As Provided In Applications, Plans, Permits, and Certificates of Occupancy

Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the Use, arrangement, or construction set forth in such approved plans and applications, and no other Use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Part of the Code, and punishable as provided by this Part.

(Ord. No. 457-2009, adopted 08/25/09)

36.06 Certificates of Occupancy Required

Certificates of Occupancy shall be required for the following:

- (a) occupancy and Use of a Building hereafter erected or structurally altered;
- (b) change in Use of an existing Building to a Use of a different classification;
- (c) occupancy and Use of vacant land, except agricultural Use;
- (d) change in the Use of land to a different classification;
- (e) any Nonconforming Use or change in a Nonconforming Use.

No such Use, or change of Use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official.

(Ord. No. 457-2009, adopted 08/25/09)

36.07 Procedure for New or Altered Buildings

Written application for a Certificate of Occupancy for a new Building or for an existing Building which is to be altered shall be made at the same time as the application for the building permit for such Building. Said certificate shall be issued with 10 days after a written request for the same has been made to said Building Official or his agent after the erection or alteration of such Building or part thereof has been completed in conformity with the provisions of this Part of the Code.

36.08 Procedure for Vacant Land or a Change in Building Use

Written application for a Certificate of Occupancy, or for the change in Use of land or a Building, or for a change in a Nonconforming Use to a conforming Use, as provided herein, shall be made to the Building Official. If the proposed Use is a Nonconforming Use, as provided herein, application shall be made to said Building Official. If the proposed Use is in conformity with the provisions of this Part of the Code, the Certificate

of Occupancy therefore shall be issued within 10 days after the application for same has been made. (*Ord. No. 457-2009, adopted 08/25/09*)

36.09 Contents

Every Certificate of Occupancy shall state that the Building or the proposed Use of a Building or land complies with all provisions of the Building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the Building or land affected. (*Ord. No. 457-2009, adopted 08/25/09*)

36.10 Temporary Certificate

Pending the issuance of a regular Certificate of Occupancy, a temporary Certificate of Occupancy may be issued by the Building Official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a Building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the Use or occupancy of the premises or any other matter covered by this Part of the Code. (*Ord. No. 457-2009, adopted 08/25/09*)

36.11 Certificates of Occupancy for Nonconforming Uses

A Certificate of Occupancy shall be required for all lawful Nonconforming uses of land or Buildings created by adoption of this Part of the Code. The Certificate of Occupancy shall state specifically wherein the Nonconforming Use differs from the provisions of this Part of the Code that would apply to the Nonconforming Use, but for its status as a Nonconforming Use. Application for such Certificate of Occupancy for a Nonconforming Use shall be filed with the Building Official by the owner or lessee of the Building or land occupied by such Nonconforming Use within one year of the effective date of this Part of the Code. If the City does not receive an application for a Certificate of Occupancy for Nonconforming Use within said time period, an irrebuttable presumption shall arise that the Use in question does not constitute a Nonconforming Use, but an illegal Use. (*Ord. No. 457-2009, adopted 08/25/09*)

Section 37. Specific Use Permit

37.01 General Provisions

- (a) As permitted under the provisions of this Part of the Code, a property owner may petition the City for a specific use of property, as authorized by the zoning District in which the property is located. Such petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Specific Use Permit.

The City Council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments to the Zoning Ordinance, authorize for specific parcels of land the issuance of a specific use permit, in those Districts where it is indicated that a specific use permit for a specific type Use may be approved.

- (b) The designation of a specific use permit as possible in a given District does not constitute an authorization or an assurance that such Use will be permitted. Rather, each specific use permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate with regard to the health, safety and welfare of the general public.

If the Use granted by the specific use permit has not been initiated on the parcel within one year from the date of issuance of the specific use permit, the specific use permit automatically terminates and the parcel loses the Use permitted by this specific use permit and only those uses permitted by the current base zoning shall be permitted; provided, however, the City Council may, after public hearing and recommendation by the planning and zoning commission, and after conducting a public hearing as is required for all amendments of the Zoning Ordinance, authorize an extension of the time that the specific use permit will continue in force and at the end of that time the specific use permit automatically terminates unless the same procedures as above are complied with and in which case an additional extension may be granted.

Should the Use as granted by the specific use permit on the parcel be vacated, the specific use permit shall remain in place for a period of 60 days from date of vacation. At the end of 60 days from date of vacation, the specific use permit shall terminate and may only be extended through the above named procedure. If the permitted Use is reinstated within 60 days from date of vacation the specific use permit shall remain in place.

37.02 Conditions for Approval of a Specific Use Permit

- (a) In considering and determining its recommendation to the City Council relative to any application for a specific use permit, the planning and zoning commissioner shall require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any Use of land or Building proposed.
- (b) The planning and zoning commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-Street parking and loading arrangement, location or construction of Buildings and uses and operation be required.

- (c) The City Council may in the interest of the public welfare and to assure compliance with the intent of this Part of the Code, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.
- (d) A site plan setting forth the conditions specified is required of the applicant and such plan when accepted shall be made part of the amending ordinance.
- (e) A specific use permit approved under the provisions of this Part of the Code shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. Any of the conditions contained in a specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be considered as conditions precedent to the granting of a Certificate of Occupancy and compliance for the specific use provided for.
- (f) In considering and determining its recommendation to the City Council relative to any application for a specific use permit for any Use involving the sale, serving or distribution of beer, wine or liquors, the city staff and the planning and zoning commission shall require that the property must be in an already established subdivision or must be platted as part of the development process prior to the granting of the permit. Plans submitted must include:
 - (1) an exact artist's rendering of the proposed Building, which shows initial landscaping, signs, and other important features;
 - (2) an architect's elevations of the front and sides of the Building;
 - (3) a site plan drawn to scale, showing all parking, landscaped areas, sign locations, ingress and egress and other important features;
 - (4) an exact description of the type of signing proposed at the site;
 - (5) a narrative description of the planned activities in the establishment, particularly the projected breakdown of revenues between food sales and liquor sales; and
 - (6) an interior layout of the Building showing proposed walls, bar, eating areas, kitchen, etc.
- (g) When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area

has conditional and limited uses, said amendment to indicate the appropriate zoning District for the approved Use and suffixed by an "S" designation.

- (h) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the Use of the property occurs. In the event the Building, premises, or land Use under the specific use permit is voluntarily vacated for a period in excess of 90 days, the Use of the same shall thereafter conform to the regulations of the original zoning District of such property unless a new and separate specific use permit is granted for continuation of the same.
- (i) In granting a specific use permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building inspector for Use of the Building on such property pursuant to such specific use permit; and such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the Certificate of Occupancy.
- (j) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings).
- (k) A building permit shall be applied for and secured within six months from the time of granting the specific use permit, provided, however, that the City Council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private Street development which shall have no limit regarding the application and securing of a building permit.
- (l) No Building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, Structural Alterations, or change.
- (m) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (n) All specific use permits issued by the City of Anna shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

- (o) The cost of the application for a specific use permit will be \$100 and such fee will be nonrefundable, even if the case is withdrawn by the applicant.

Section 38. Parking Space Regulations

38.01 Automobile Parking Space Regulations

Whenever any ordinance, regulation, or plan, enacted or adopted by the City Council is for the purpose of providing off-Street automobile Parking Spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise, off-Street automobile Parking Spaces shall be provided as follows, applicable to Buildings hereafter erected and uses hereafter established, to such Nonconforming Uses as may be required to conform to the regulations hereof, and to extensions and enlargements of Buildings and uses.

- (a) Except as otherwise provided in this section, off-Street Parking Spaces shall be provided as follows:

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| <u>USE OF BUILDING OR SITE</u> | <u>MINIMUM NUMBER OF PARKING SPACES REQUIRED</u> |
|--|--|
| Residential: | |
| Single Family..... | 2.0 per Dwelling Unit |
| Two Family..... | 2.0 per Dwelling Unit |
| Multifamily | |
| Efficiency and one bedroom | 1.5 per Dwelling Unit |
| Two or more bedrooms | 2.0 per Dwelling Unit |
| Commercial: | |
| Offices and Banks | 3.3 per 1,000 sq. ft. Gross Floor Area |
| Clinics and Doctors' Offices..... | 8.0 per 1,000 sq. ft. Gross Floor Area |
| General Retail | 4.0 per 1,000 sq. ft. Gross Floor Area |
| Shopping Centers | 5.5 per 1,000 sq. ft. Gross Floor Area |
| Car Wash | 0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below |
| Restaurants..... | 0.3 per seat |
| Hotels, Motels | 1.0 per rentable room plus 0.5 per employee on any one shift |
| Halls for meeting, dancing, social events | 5.0 per 1,000 sq. ft. Gross Floor Area |
| Entertainment: | |
| Bowling Alleys..... | 5.0 per 1,000 sq. ft. Gross Floor Area |
| Pool Halls..... | 5.0 per 1,000 sq. ft. Gross Floor Area |
| Industrial | 0.8 per employee on any one shift |
| Auditoriums and Theatres | 0.3 per seat |
| Churches | 0.3 per seat |
| Elementary and Junior High Schools | 1.0 per staff members |
| Hospitals | 1.2 per bed plus 1.0 per 3 staff members on any one shift |
| Nursing Homes | 1.0 per five beds plus 1.0 per 2 staff members on any one shift |
| Wholesale Storage and Jobbing | 1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking |

Off-Street reservoir parking shall be provided for an automatically operated car wash equal to three times the maximum capacity of the car wash, and for a manually operated car wash equal to six times the maximum capacity of the car wash, for automobiles awaiting entrance. "Maximum Capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time.

The required yard setbacks for any Building shall not be included in calculating the minimum space requirements for off-Street parking.

- (b) Where a Building or a site contains two or more uses, the off-Street parking requirement shall be computed as the sum of the required off-Street Parking Spaces for each individual Use.
- (c) Each business, commercial, manufacturing or industrial Use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds 10 minutes between those hours, shall provide off-Street truck Loading Space on the Lot, such space to be not less than 35 feet in length, 12 feet in width, and 15 feet in height.
- (d) For the purpose of this subsection, one parking stall shall be not less than 175 square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then-each such stall shall be considered a parking stall as required herein.
- (e) A driveway for access to any single Parking Space or to a parking Lot shall be not less than 11 feet in width, nor more than 30 feet in width, at the property line along the Street and shall be so located as to minimize traffic hazard and congestion.
- (f) All required parking stalls shall be located on the premises to which such requirement applies or within an off-Street space distance not more than 500 feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-Street space distance not more than 1,000 feet from such premises except as otherwise provided in this subsection or other subsections of this Part of the Code.
- (g) Provision of parking stalls, shared jointly by several persons in the same Block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the City Council, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the council may reduce the total of number of parking stalls to be jointly provided.
- (h) All Parking Spaces required for any Use and provided in compliance with the provisions of this subsection on the same Lot or plot as that occupied by such Use, shall be considered to be required spaces for the Use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

- (i) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.
- (j) In a case where existing off-Street parking facilities have unused parking capacity and where such facilities are open to the Use of the public free of charge or at reasonable rates, the board may reduce the Parking Space requirements for any Use distance not more than 800 feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
- (k) In a case where any public or private off-Street parking facility, to be open to the Use of the public free of charge or at a reasonable rates, is planned or is in process of development and where the council has reasonable assurance that such development will be carried to completion and will when completed relieve the parking demand in an area within 500 feet thereof in some measure or in full measure, the board may establish a reasonable time period within which any Use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of the paragraph above, may be applied by the council.
- (l) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any Use, to and from the area in which such Use is located, is other than by private automobile, the council may reduce, by not to exceed 50% the space required for parking stalls for such Use.
- (m) In a case where it is clearly shown by the applicant to the satisfaction of the council that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed Use or other condition, would be an unnecessary hardship, the council may reduce such requirement.

38.02 Residential Off-Street Parking

- (a) Purpose. It is recognized that uncontrolled residential off-Street parking, specifically in residential Front Yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-Street parking and to specify the requirements for residential off-Street parking as they pertain to the appearance and the health, safety, and welfare of the city.
- (b) Definitions and Restrictions. It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, motorcycle, motor home, camper, Trailer, boat or any vehicle on any portion of a Front Yard or side yard of any area which is zoned SF-1 under this Part of the Code unless:

- (1) said area is a part of a hard surfaced driveway or parking area;
- (2) said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;
- (3) said area is a part of a required driveway that provides access to a garage, carport or off-Street parking area required by this Part of the Code;
- (4) said area is part of a side yard which is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence;
- (5) the term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a Street or highway, except devices moved exclusively by human power. The term "hard surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the Building Official;
- (6) a single-width driveway running from the Street access to a garage or other parking area shall not utilize more than 15% of any residential Front Yard, except for Front Yards with a front footage width of less than 70 feet, in which case the maximum width for a single driveway shall be 11 feet;
- (7) a double-width driveway running from the Street access to a garage or other parking area shall not utilize more than 27% of any residential Front Yard; provided, that the maximum width of a driveway shall not exceed 24 feet in any case and shall not exceed 18 feet for Front Yards with a front footage width of less than 70 feet;
- (8) a triple-width driveway running from the Street to a garage or other parking area shall not utilize more than 33% of any residential Front Yard; provided, that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for Front Yards with a front footage width of less than 80 feet;
- (9) a drive apron means the connection between a driveway and the traveled portion of a Street, in the public right-of-way, including any sidewalk area abutting thereon; or

- (10) circular driveways used for turnarounds or through traffic shall not utilize more than 30% of any residential Front Yards or corner side yards, with a front footage or less than 80 feet.

38.03 Parking, Storage, or Use of Major Recreational Equipment and Vehicles

No major recreational equipment shall be parked or stored on any Lot in a residential District except in a carport or enclosed Building, on a driveway, or in a required side or Rear Yard; provided however, that such equipment may be parked anywhere on a residential premises not to exceed 24 hours during loading or unloading.

No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential Lot, except for the temporary housing of guests not to exceed two consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat Trailers, travel Trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent Trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Section 39. Nonconforming Uses

39.01 Defined

A Nonconforming Use means the specific purpose or purposes for which land, a Building, or a structure was:

- (a) on the effective date of the ordinance(s) from which this Part is derived, being lawfully operated or occupied in accordance with the provisions of said ordinance(s); or;
- (b) on or after the effective date of this Part of the Code, being lawfully operated or occupied in accordance with this Part of the Code but which purpose(s), by sole reason of amendment to this Part of the Code, or other governmental action, is not permitted in the applicable district.

(Ord. No. 457-2009, adopted 08/25/09)

39.02 Protections, Regulations, and Restrictions

- (a) A Nonconforming Use existing at the date of enactment of this Part of the Code, although such use does not conform to the provisions hereof, may be continued, but if the Nonconforming Use is discontinued for a period of 12 consecutive calendar months it shall not thereafter be resumed and any future Use of such Building or land shall occur solely in conformity with the applicable provisions of

this Part. The Use of land, if changed from a Nonconforming Use, shall be in conformity with the provisions hereof.

- (b) To avoid undue hardship, nothing in this Part of the Code shall be deemed to require a change in the plans, construction, or designated Use of any Building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Part of the Code and upon which actual Building construction has been carried on diligently, without undue interruption. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing Building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently, without undue interruption.
- (c) Nonconforming Uses are hereby declared to be incompatible with permitted uses in the Districts in which they are located. A Nonconforming Use of a Building or structure, a Nonconforming Use of land, or a Nonconforming Use of Buildings and land in combination shall not be extended or enlarged after passage of this Part of the Code by attachment on a Building or premises of additional signs intended to be seen from off the premises, or by the addition of other Uses, of a nature which would be prohibited generally in the District involved. A Nonconforming Use of a Building or land shall not be extended unless changed to a conforming Use.
- (d) The total structure repairs or alterations in a Building or structure that forms all or part of a Nonconforming Use shall not, during its life exceed 50% of the assessed value of the Building unless changed to a conforming Use.
- (e) Whenever a Nonconforming Use involving a Building or structure is changed to a Use of a more restricted classification, such Use shall not thereafter be changed to a Use of a less restricted classification. (*Ord. No. 457-2009, adopted 08/25/09*)

39.03 Certificates of Occupancy for Nonconforming Uses

A Certificate of Occupancy shall be required for all lawful Nonconforming Uses in accordance with Section 36.11 of this Part of the Code.

(*Ord. No. 457-2009, adopted 08/25/09*)

Section 40. Screening Device Requirements

40.01 Description of Required Screening Devices

- (a) A screening device required under this Part of the Code must meet the following minimum requirements and be measured from the average Grade of the property:

(1) Minimum height of screening device:

- i) garbage, trash or refuse container screening: 7'0"
- ii) screening of outdoor storage: 8' 0"
- iii) multi-Family and Industrial Districts: 8'0"
- iv) all other required screening: 6'0"
- v) where a screening device is constructed, placed or planted on uneven terrain there shall be no gap under the device, and the device must be composed of the same material throughout.

(2) Maximum height of screening device excluding barbed wire strands:

- i) screening of outdoor storage: 8'0"
- ii) industrial Districts and industrial "PD" Districts: 8'0"
- iii) all other Districts: 8'0"

(3) Materials options for nonresidential areas:

- i) brick Masonry, stone Masonry, or other architectural Masonry finish. (No thin-wall Masonry allowed; "thin wall" is defined as any wall 6" or less in width);
- ii) tubular steel (primed and painted) or wrought iron fence with Masonry columns spaced a maximum of 20' on center with structural supports spaced every 10', and with sufficient evergreen landscaping to create a screening effect;
- iii) living plant screen (only upon approval by the Planning and Zoning Commission through the site plan process); or,
- iv) alternate equivalent screening (only upon approval by the Planning and Zoning Commission through the site plan process).

(b) All required screening devices must be equally finished on both sides.

(c) All openings in the surface for passage must be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.

- (d) If a living plant screen is approved by the Planning and Zoning Commission, the plant materials must be a minimum of three feet at time of planting.
- (e) Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
- (f) All screening devices must be permanently and continually maintained in a neat and orderly manner as a condition of Use. The occupancy permit may be revoked by the Chief Building Official for failure to adequately maintain such screening device.

40.02 Applicability

- (a) Screening Devices must be placed and maintained in the following locations:
 - (1) along any property line or District boundary between any single Family detached or attached or any two-Family Use and any Multiple Family, mobile home park, or nonresidential Use, but not across a dividing Street between such uses. An Alley shall not be considered a dividing Street for purposes of this section. The more intensive Use shall have the responsibility for providing and maintaining the screening device.
 - (2) along any property line or District boundary between any Multiple Family Use and any non-residential Use, but not across a dividing Street between such uses. An Alley shall not be considered a dividing Street for purposes of this section. The more intensive Use shall have the responsibility for providing and maintaining the screening device.
- (b) All allowed open storage of materials, equipment, or commodities shall be screened from view from all Streets. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.
- (c) Garbage, trash, or refuse containers shall be screened on all sides. Screening materials shall be Masonry and the same color as the exterior walls of the main structure. A solid metal gate shall be provided. Garbage, trash, or refuse containers shall not be located in front of the main Building unless no other option is available. Gates shall be kept closed except when in Use for access.
- (d) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property. Bays in any business/commercial "PD" - Planned Development shall be oriented away from the Street Frontage.

- (e) Display of new vehicles, or used vehicles not defined as junked vehicles under the ordinances of the City of Anna or laws of the State of Texas need not be screened if they are, in the opinion of the Chief Building Official, maintained in a neat and orderly manner.
- (f) Landscaping standards for parking Lots shall also apply to vehicle Display Lots, except that minimum screening height for vehicle Display Lots shall be one and one-half feet (1 ½').
- (g) Mechanical and heating and air conditioning equipment in non-residential and Multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property.
- (h) At motor vehicle service or repair facilities, vehicles awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.

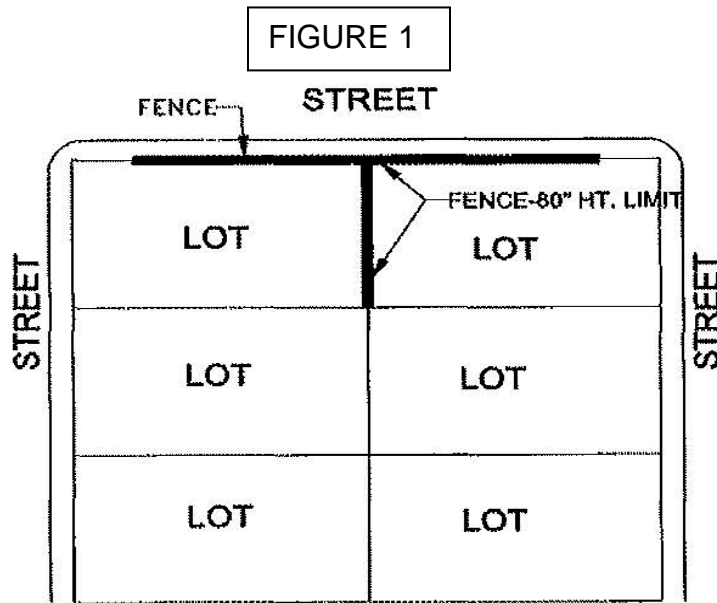
40.03 Screening Elements and Fences

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public Streets, highways, and Alleys to private property; to conserve and protect the value of adjacent land and Buildings; to protect aesthetic views and vistas; to secure hazardous areas from unauthorized entry; to contain livestock and other agricultural activities; and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required Screening Elements and fences. The terms "Screening Element" and "fence" as used herein is defined in Section 4.

- (a) Solid fences shall not be allowed in the required Front Yard in any District.
- (b) No fence shall exceed three feet height in the required Front Yard in any District.
- (c) No fence shall be allowed in the required right of way.
- (d) Reserved for future.
- (e) Fences shall be constructed and be consistent with Buildings and fences in the area.
- (f) In residential areas, barbed wire, razor wire, electrified fencing or other hazardous material shall not be allowed in the construction of fencing.
- (g) No fence constructed in such a manner that it may conduct electrical current may be allowed in any but an agricultural zoning District.

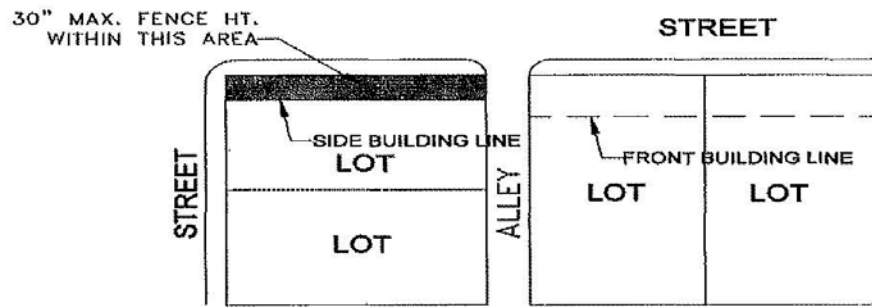
- (h) In no event shall barbed wire be permitted, except on arms in industrial zoning Districts.
- (i) Corner Lots.
 - (1) On all corner Lots in residential Districts which have opposing rear Lot lines, fences may be constructed not to exceed 80 inches in height along the side and Rear Yard lines, as indicated in Figure 1 below and made a part of this section.

(Ord. No. 368-2008, adopted 2/26/2008)



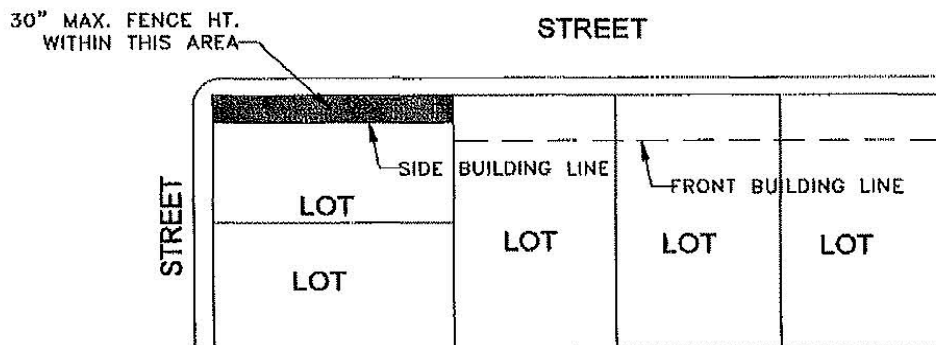
- (2) On all corner Lots in residential Districts where the rear Lot line is opposed to a side Lot line across an Alley from such side Lot line, no fence exceeding 30 inches in height shall be constructed upon or within the side yard which is next to the Street at a distance from the side Building Line greater than the minimum side yard requirement, as indicated in Figure 2 below hereto and made a part of this section.

FIGURE 2



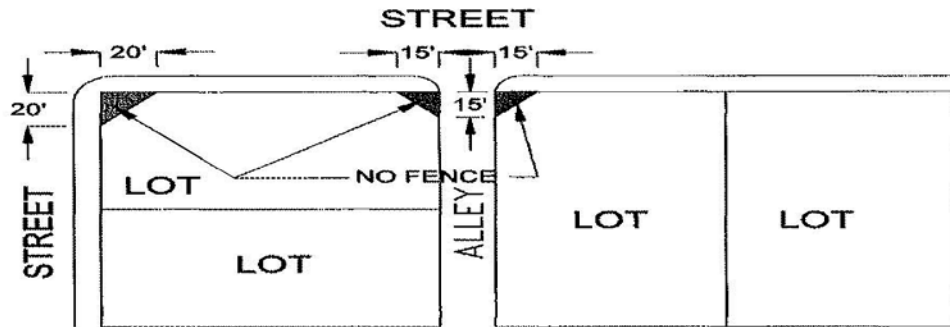
- (3) On all corner Lots in residential Districts where the rear Lot line is opposed to a side Lot line of an adjoining Lot, no fence exceeding 30 inches in height shall be constructed between the side of the Building Line and the side yard line which is next to the Street, as indicated in Figure 3 below and made a part of this section.

FIGURE 3



- (4) No fence shall be constructed in the triangle formed by measuring 20 feet back from the intersection of two Streets or 15 feet back from the intersection of a Street and an Alley as illustrated in Figure 4 below and made a part of this section.

FIGURE 4

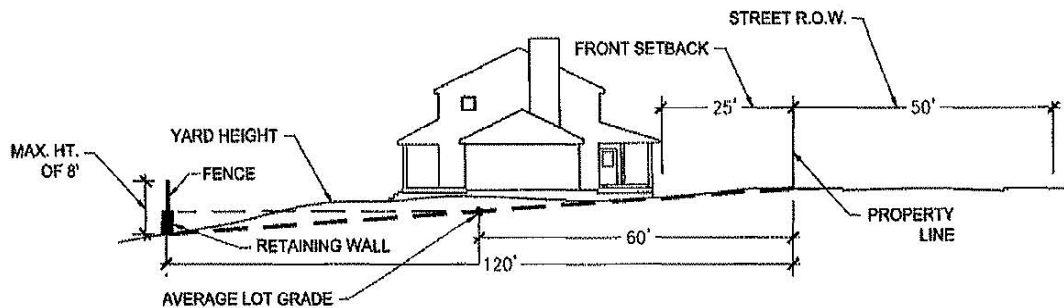


- (5) On a corner Lot in any District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, Street, Alley or private Street or driveway from or to adjacent private property.
- (6) On an interior Lot in any District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, Street, Alley, or private Street or driveway from or to adjacent private property.
(Ord. No. 368-2008, adopted 2/26/2008)
- (7) On an interior Lot in any District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, Street, Alley, or private Street or driveway from or to adjacent private property.
- (j) Every fenced enclosure constructed under the provisions of this section of the Code shall have at least one gate in its perimeter.
- (k) All fences constructed under the provisions of this section of the Code shall be maintained so as to comply with the requirements of this section of the Code at all times. The chief Building Official may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.
- (l) No fence, plant, Building or other structure shall be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the sight lines for traffic of a driver of any approaching, emerging or intersecting traffic or so as to prevent any traveler on any Street in Use by the public from obtaining a clear view of approaching vehicles for a distance of 150 feet along a Street in Use by the public.

- (m) A Masonry wall having a minimum height of six feet above the average Grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
- (n) No fence in a residential District shall exceed eight feet in height, measured from the adjacent Grade line.
- (o) Residential Districts – General
 - (1) Screening Elements and fences shall be restricted to a maximum height of eight feet, measured from the adjacent Grade line, except as otherwise allowed.
 - (2) Nonresidential uses in a residential District shall be suitably screened from view, to a height not less than six feet of any adjacent residential Lot or dwelling Use along the side and rear property lines of such nonresidential Use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking Lot or active outdoor intensive Use area (such as a playground) is adjacent to a residential Lot or dwelling. Off-Street loading areas of any nonresidential Use shall be screened from view of any Residential Dwelling or Lot or of any other adjacent public or semi-public land Use.
 - (3) Where a multi-Family Use abuts a one or two Family District, the side and rear property lines of said multi-Family or District shall be suitably screened from view, to a height not less than eight feet of any adjacent dissimilar Residential Dwelling or Lot.
 - (4) Garbage, refuse, and trash collection/storage areas in any multi-Family development or other nonresidential Use permitted in a residential District shall be enclosed on at least three sides, by a dense Screening Element to adequately screen such area from view of the surrounding area.
 - (5) No Screening Element or fence shall be erected, placed, or planted beyond the front Building Line of any permitted Building in a residential District, either on a corner Lot or interior Lot, unless otherwise allowed by the City Council.
 - (6) No Screening Element comprised of brick, Masonry, concrete, or solid metal shall- be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.
 - (7) Residential fencing requirements:

Minimum fence height of 6' from average Lot Grade with a maximum height of 8'.

FIGURE 5



Materials

Treated lumber attached with galvanized screws to 3-112". Diameter galvanized poles installed in an 8" diameter holes no less than 2-1/2 feet deep in 2' of premixed concrete. All posts shall have caps. Brick, stone, Masonry, vinyl materials or a combination with columns every 8'. Vinyl materials cannot be used in Multifamily areas. No thin-wall Masonry allowed; "thin wall" is defined as any wall 6" or less in width.

(p) Nonresidential Districts – General

- (1) Where a nonresidential Use abuts a residential Lot, Use or District, the side and rear property lines abutting said residential Lot, Use, or District shall be suitably screened by the nonresidential Use so as to obscure the view from the residential Lot, Use or District to the nonresidential Use to a height not less than six feet.
- (2) Where a District boundary separating a residential District from a nonresident District is along a Street or Alley, and an automobile parking Lot or parking area is located in the Front Yard of the nonresidential Use, then said parking Lot or parking area facing the residential Lot, Use, or District shall be suitably screened to a height of not less than three and one-half feet.
- (3) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than seven feet in height.
- (4) In all Districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than eight feet in height.

- (5) Off-Street loading areas shall be adequately screened from view of any Residential Dwelling or of any other adjacent residential land Use.
- (6) No Screening Element comprised of brick, Masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.
- (7) All required Screening Elements shall be permanently and adequately maintained by the nonresidential property owner.

(q) Barbed Wire Fences

- (1) Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other Districts except as provided below.
- (2) Barbed wire strands may be placed on top of permitted fences and Screening Elements in any District for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than 12 nor the bottom strand lower than eight from the adjacent Grade line.

(r) Variances

A variance from the regulations in this Part may be recommended by the Planning and Zoning Commission to the City Council for final approval only if:

- (1) unique circumstances exist on the property that make application of specific items in this Part unduly burdensome on the applicant;
- (2) the variance will have no adverse impact on current or future development;
- (3) the variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
- (4) the variance will have no adverse impact on the public health, safety, and general welfare; and
- (5) a financial hardship shall not be considered a basis for the granting of a variance.

Section 41. Outdoor Lighting Code

41.01 Intent

It is the intent of this section to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime Use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the Use of energy efficient sources, and decreasing the wastage of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.

41.02 Compliance

All outdoor Luminaires devices shall be installed in conformance with the provisions of this section, the Building code, the electrical code, and the sign code of the City of Anna as applicable and under appropriate permit and inspection.

41.03 New Buildings and Additions to Existing Facilities

For all proposed new construction or additions to existing facilities, all new outdoor lighting fixtures shall meet the requirements of this section.

41.04 Additions

Additions, as defined herein, shall require the submission of a complete inventory and site plan detailing any proposed new outdoor lighting. New lighting on the site shall meet the requirements of this section with regard to shielding and lamp type.

41.05 Roadways

Lighting for public and private roadways shall utilize only full Cutoff Light Fixtures or Cutoff Light Fixtures.

41.06 Definitions

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown below:

Average Maintained Horizontal Illuminance means the density of light flux in an outdoor area or areas calculated:

- (a) on a horizontal plane at ground level;
- (b) as an average flux density over the surface of the outdoor area or areas; and
- (c) applying a light loss factor calculated by methods prescribed by the lighting handbook of the Illuminating Engineering Society or any successor publication; with calculations made by, or on the basis of lighting plans other information provided by, manufacturers or suppliers of Outdoor Light Fixtures and made in a manner consistent with the lighting handbook of the Illuminating Engineering Society or any successor publication.

Class 1 Lighting means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Recognized class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; Display Lots; assembly areas such as concert or theater amphitheaters.

Class 2 Lighting means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking Lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

Class 3 Lighting means any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

Cutoff Light Fixture means a Luminaire light distribution where no more than 25 candela per 1,000 lamp Lumens is emitted above the horizontal.

Development Project means any residential, commercial, industrial or mixed Use subdivision plan or development plan.

Directly Visible means allowing a direct line-of-sight to the light source or lamp.

Director means the building permits and inspections Director or designee.

Display Lot means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. A Display Lot shall entail one of the following specific uses: automobile sales, boat sales, tractor sales, Building supply sales, gardening or nursery sales, assembly Lots, swap meets. Additional uses may be designated as Display Lot as determined by the Director.

Flood Lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

Footcandle means one Lumen per square foot. Unit of Illuminance. It is the luminous flux per unit area in the Imperial system. One Footcandle equals approximately 10 (10.76) Lux.

Full Cutoff Light Fixture a Luminaire with light distribution such that no light is emitted above the horizontal.

Glare means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of Glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Illuminance means the amount of light falling onto a unit area of surface (luminous flux per unit area), measured in Lumens per square meter (Lux) or Lumens per square foot (Footcandles).

Installed means the attachment, or assembly fixed in place, connected to a power source, of any Outdoor Light Fixture.

Light Trespass means light falling where it is not wanted or needed, typically across property boundaries.

Lighting Zones means the four Lighting Zones are based on the zoning Districts or overlays established by the Zoning Ordinance. Guidelines used to guide the delineation of the Lighting Zones are:

- (a) Lighting Zone E1. This zone shall include all zoning Districts containing "greenbelts and natural areas."
- (b) Lighting Zone E2. This zone shall include all single Family and duplex residential zoning Districts.
- (c) Lighting Zone E3. This zone shall include all residential zoning Districts not included in Lighting Zone E2.
- (d) Lighting Zone E4. This zone shall include all non-residential zoning Districts.

In Planned Development Districts the lighting zone that pertains shall reflect the primary Use in the area, unless otherwise prescribed in the ordinance establishing the Planned Development. In mixed Use Districts the lighting zone that pertains shall reflect the Use requiring the most restrictive lighting regulations, unless otherwise prescribed in the ordinance establishing the Planned Development.

Lumen means a unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket);

a light fixture. For purposes of determining total light output from a Luminaire or light fixture (see under this section, "Outdoor light output, total"), lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

Luminous Tube means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for Use as decoration or signs. A neon tube does not include common fluorescent tubes.

Lux means a unit of Illuminance equal to one Lumen per square meter. One Lux equals approximately 0.1 (0.093) Footcandles.

Multi-class Lighting means any outdoor lighting used for more than one purpose, such as security and decoration, such that its Use falls under the definition of two or more classes as defined for class 1, 2 and 3 lighting.

Net Acreage means the total area of the Development Project. For parcels including those special uses listed in Sections 18.18.1 50, 18.1 8.160, 18.18.170 and 18.18.180 that are exempted from the Lumens per acre caps of Section 18.1 8.080 (recreational facilities and outdoor Display Lots), the area devoted to the special Use shall also be excluded from the Net Acreage.

Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Outdoor Light Fixture means an outdoor illuminating device, outdoor lighting or reflective surface, Luminous Tube, lamp or similar device, permanently Installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- (a) parking Lot lighting;
- (b) roadway lighting;
- (c) Buildings and structures;
- (d) recreational areas;
- (e) landscape lighting;
- (f) billboards and other signs (advertising or other);
- (g) product display area lighting;
- (h) Building or structure decoration; and
- (i) Building overhangs and open canopies.

Outdoor Light Output, total means the initial total amount of light, measured in lumens, from all lamps used in Outdoor Light Fixtures. The term includes all lights and

luminous tubing used for class 1, class 2, class 3 and multiclass lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be considered. For determining compliance, total Outdoor Light Output standards, the light emitted from lamps in Outdoor Light Fixtures is to be included in the total output as follows:

- (a) Outdoor Light Fixtures Installed on poles (such as parking Lot Luminares) and light fixtures Installed on the sides of Buildings or other structures, when not shielded from above by the structure itself as defined in subsections b, c and d of this section, are to be included in the total Outdoor Light Output by simply adding the initial Lumen outputs of the lamps;
- (b) Outdoor Light Fixtures Installed under canopies, Buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or Luminaire are located at least five feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total Outdoor Light Output as though they produced only one quarter of the lamp's rated initial Lumen output;
- (c) Outdoor Light Fixtures Installed under canopies, Buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or Luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total Outdoor Light Output as though they produced only one-tenth of the lamp's rated initial Lumen output; and
- (d) Outdoor Light Fixtures Installed under canopies, Buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or Luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total Outdoor Light Output. Such lamps must however conform to the lamp source and shielding requirements of Section 41.07.

Outdoor Recreation Facility means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis Courts, and swimming pools.

Person means any individual, tenant, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.

Searchlight means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Searchlights include such lights that are used commonly to sweep the sky for advertisement purposes.

Sign, Externally Illuminated means a sign illuminated by light sources from the outside.

Sign, Internally Illuminated means a sign illuminated by light sources enclosed entirely within the sign cabinet and not Directly Visible from outside the sign.

Sign, Neon means a sign including luminous gas-filled tubes formed into text, symbols or decorative elements and Directly Visible from outside the sign cabinet.

Spot Lamp means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot Lamps are those lamps so designated by the manufacturers.

Spot Light means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Temporary Lighting means lighting which does not conform to the provisions of this section of the Code and which will not be used for more than one 30 day period within a calendar year, with one 30 day extension. Temporary Lighting is intended for uses that by their nature are of limited duration, for example, holiday decorations, civic events, or construction projects.

41.07 Shielding Standards

All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 1.

Table 1. LAMP TYPE AND SHIELDING STANDARDS

| USE CLASS AND LAMP TYPE | LIGHTING ZONE | | | |
|---|---------------|------|------|----|
| | E4 | E3 | E2 | E1 |
| Class 1 lighting (Color Rendition): | | | | |
| Initial output greater than or equal to 1800 Lumens | F | F | F | F |
| Initial output below 1800 Lumens (2) | A(1) | A(1) | A(1) | F |
| Class 2 lighting (General Illumination): | | | | |
| Initial output greater than or equal to 1800 Lumens | F | F | F | F |
| Initial output below 1800 Lumens (2) | A(1) | A(1) | A(1) | F |
| Class 3 lighting (Decorative)(3): | | | | |
| Initial output greater than or equal to 1800 Lumens | F | F | F | X |
| Initial output below 1800 Lumens (2) | A(1) | A(1) | A(1) | F |
| Residential lighting (all classes) (4): | | | | |
| Initial output greater than or equal to 1800 Lumens | F | F | F | F |

| | | | | |
|--------------------------------------|------|------|------|------|
| Initial output below 1800 Lumens (2) | A(1) | A(1) | A(1) | A(1) |
|--------------------------------------|------|------|------|------|

Notes to Table 1

A = all types of fixtures allowed; shielding not required but highly recommended, except that any spot or floodlight shall be aimed not higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

F = only fully shielded fixtures allowed

X = not allowed

1. Flood or Spot Lamps shall be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

Exception: seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all Lighting Zones from 15th of November through the 15th of January.

2. See exception for seasonal decorations from November 15th till January 15th.

3. All Class 3 Lighting shall be extinguished between 11:00 p.m. (or when the business closes, whichever is later) and sunrise.

4. Residential refers to single Family attached or detached uses located in any of the zone Districts such as single-family detached and duplexes. Multiple-Family residential uses, or Apartments, must Use standards for class 1, 2 and 3 lighting.

41.08 Total Outdoor Light Output standards

Total Outdoor Light Output shall not exceed the limits in Table 2. Seasonal decorations, permitted between November 15th and January 15th, are not counted toward these limits; lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted. (The values in this table are the maximum permitted levels and not intended as design standards; design standards shall be the lowest levels that meet the requirements of the task.)

Table 2. MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS

| LUMENS CAPS – INITIAL LAMP LUMENS PER NET ACRE | LIGHTING ZONE | | | |
|---|---------------|---------|--------|---------|
| | E4 | E3(4) | E2(4) | E1 |
| Commercial and Industrial Uses | | | | |
| Total (full cutoff + unshielded) | 1,000,000 | 200,000 | 50,000 | 125,000 |
| Unshielded only | 40,000 | 20,000 | 4,000 | 2,000 |
| Residential uses (2,3) | | | | |
| Total (full cutoff + unshielded) | 20,000 | 10,000 | 10,000 | 10,000 |
| Unshielded only | 5,000 | 5,000 | 1,000 | 1,000 |

Notes to Table 2

1. This refers to all commercial and industrial uses and includes Multiple Family or Apartment uses.

2. This refers to all single-family attached or detached uses.

3. In Lighting Zones E4-E 1, each residential single-family attached or detached home, duplex, triplex, quadruplex or townhome is allowed up to 5,500 total Lumens, or the amount indicated in this table based on the parcel's acreage, whichever is larger. Each is also allowed a maximum of 5,500 Lumens of unshielded ("A") lighting, provided Table 18.18.070 allows the lamp's type with "A" shielding. All residential spot or flood lamps permitted are to be aimed no higher than 25 degrees from the vertical line between the fixture and the ground when the source is visible from any off-site residential property or public roadway.

4. Public and private schools located in zones E2 and E3 may petition the Director for an increase in the Lumens per acre cap to the level permitted in zone E4. The Director may allow an increase when the school submits an engineered design supporting the need of such increase.

41.09 Effective Shielding Standard

All light fixtures that are required to be shielded shall be Installed and maintained in such a manner that the shielding is effective as described in the definition herein for full cutoff fixtures.

41.10 Light Trespass Standard

- (a) Beyond the shielding requirements, all light fixtures shall be located, aimed or shielded so as to minimize stray Light Trespassing across residential property boundaries.
- (b) Any lamp Installed on a residential property in zone E1 and visible from any other residential property shall be shielded such that it is not Directly Visible from that property.
- (c) Luminaires, Spot Lamps or spotlights which are aimed, directed or focused such as to cause direct light to be directed toward residential Buildings or adjacent or nearby land, or to create Glare perceptible to Persons operating motor vehicles on Streets or roadways, shall be redirected or their light output controlled as necessary to eliminate such conditions.

41.11 On-Premise and Off-Premise Signs

- (a) Multi-class Lighting standards
Multiclass lighting shall conform to the shielding and timing restrictions, if any, which apply to the most restrictive class.
- (b) Externally illuminated sign standards
External illumination for signs shall conform to all provisions of this Part. In particular, such lighting shall be treated as Class 1 Lighting and shall conform to the lamp source, shielding restrictions and Lumen caps of Section 41.08. Upward directed sign lighting is prohibited.

(c) Internally illuminated sign and neon sign standards

- (1) Outdoor internally-illuminated advertising signs constructed with faces of translucent materials and wholly illuminated from within do not require shielding. Colored or dark backgrounds with light lettering or symbols are preferred to minimize the detrimental effects of light pollution. Lamps used for internal illumination of such signs shall not be counted toward the Lumen caps in Section 41.08.
- (2) Neon signs shall be treated as internally illuminated signs for the purposes of this section of the Code, and shall not have their luminous outputs counted toward the Lumen caps in Section 41.08. Neon lighting extending beyond the area considered to be the sign area (as defined in the sign code) shall conform to all provisions of this section of the Code and shall be treated as class 3 (decorative) lighting
- (3) Other internally-illuminated panels or decorations not considered to be signage according to the sign code (such as illuminated canopy margins or Building faces), shall be considered decorative (class 3) lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and Lumens per acre caps of Section 41.08.

(d) Curfews

Illumination for all signs, both externally and internally illuminated, shall be turned off at the curfew times listed in Table 3 or when the business or portion thereof closes, whichever is later. Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers. Internally illuminated signs may continue to be used and illuminated but must conform to the curfews as indicated.

Table 3. ILLUMINATED SIGN CURFEWS

| | LIGHTING ZONE | | | |
|---|----------------|----------------|---------------|---------------|
| | E4 | E3 | E2 | E1 |
| ON-PREMISE AND OFF-PREMISE SIGNS | 12 P.M. | 12 P.M. | 9 P.M. | 9 P.M. |

41.12 Special Uses

(a) Recreational facilities

- (1) Lighting for outdoor athletic fields, Courts, tracks or similar recreational facilities in Lighting Zones EI, E2, E3, and E4, shall be considered class 1 (color rendition), and shall be exempt from the Lumens per acre limits of Section 41.08.
- (2) Shielding. In Lighting Zones EI, E2, E3 and E4, full cutoff lighting is required for tennis Courts, basketball Courts, swimming pools, racquetball Courts, golf driving ranges and similar facilities. Football fields, soccer fields, golf courses and baseball diamonds designed for class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels; cf. IESNA Lighting Handbook and IESNA RP-6 Sports and Recreational Area Lighting) or designed for class I and II levels of play (typically college, semi-professional, professional or national levels) shall utilize Luminaires with minimal uplight consistent with the illumination constraints of the design. Where full cutoff fixtures are not utilized, acceptable Luminaires shall include those which:
 - (3) are provided with internal and/or external Glare control louvers and Installed so as to minimize uplight and offsite Light Trespass; and
 - i) are Installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
 - (4) Illuminance. All lighting installations shall be designed to achieve no greater than the minimal Illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - (5) Off-Site Spill. The installation shall also limit off-site spill (outside the parcel containing the recreational facility) to the maximum extent possible consistent with the illumination constraints of the design. For class III and IV levels of play, a design standard of one Lux (0.1 fc) at the property line of any residential property at a vertical point five feet above Grade, as measurable from any orientation of the measuring device, shall be required. For Class I and II levels of play, a design goal of one and one-half Lux (0.15 fc) at the property line of any residential property at a vertical point five feet above Grade, as measurable from any orientation of the measuring device, shall be required.
 - (6) Engineering Design. Every such lighting system shall be designed by a registered professional engineer.
 - (7) Curfew. All events shall be scheduled so as to complete all activity before the curfew listed in Table 4. Illumination of the playing field, Court or track shall

be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew.

Table 4. SPORTS FACILITY AND DISPLAY LOT LIGHTING CURFEWS

| LIGHTING ZONE | | | |
|---------------|---------|--------|--------|
| E4 | E3 | E2 | E1 |
| 11 P.M. | 10 P.M. | 9 P.M. | 8 P.M. |

(b) Outdoor Display Lots

- (1) Lighting for Display Lots shall be considered class 1 (Color Rendition), and shall be allowed a Lumens per acre cap of two million.
- (2) Shielding. All Display Lot lighting shall utilize full cutoff Luminaires that are Installed in a fashion that maintains the full cutoff characteristics.
- (3) Illuminance. Lighting for Display Lots shall be considered class 1 (color rendition).
- (4) Off-Site Spill. The Display Lot shall limit off-site spill (outside the parcel containing the Display Lot) to a maximum of 0.5 Lux (0.05 fc) at the property line of any residential property at a vertical point five feet above Grade, as measurable from any orientation of the measuring device, shall be required.
- (5) Engineering Design. Every Display Lot lighting system shall be designed by a registered professional engineer.
- (6) Curfew. Display Lot lighting exceeding the Lumens per acre cap shall be turned off at the curfew listed herein or within 30 minutes after closing of the business, whichever is later. Lighting in the Display Lot after this time shall be considered Class 2 Lighting, and shall conform to all restrictions of this section of the Code applicable for Class 2 Lighting, including the Lumens per acre caps in Section 41.08.

(c) Service station canopies

- (1) Lighting Class. Lighting for service station canopies shall be considered Class 2 Lighting (general illumination).
- (2) Shielding. All Luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and utilize flat lenses.

- (3) Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in Lumens, shall not exceed 40 Lumens per square foot of canopy in lighting zone E4, and shall not exceed 20 Lumens per square foot in lighting zone E3. All lighting mounted under the canopy, including but not limited to Luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial Lumen output.
- (4) Lumen Output. The Lumen output of lamps mounted on or within the lower surface of a canopy is included toward the Lumen caps in Section 41.08 according to the method defined in Section 41.08. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the Lumen caps in Section 41.08 at full initial output.
- (5) Off-Site Spill. The service station canopy Lot shall limit off-site spill (outside the parcel containing the service station Lot) to a maximum of 0.5 Lux (0.05 fc) at the property line of any residential property at a vertical point five feet above Grade, as measurable from any orientation of the measuring device, shall be required.
- (d) Other lighting on parcels with special uses. On a property with special uses as listed above, all lighting not directly associated with the special Use areas above shall conform to the lighting standards described in this section of the Code, including but not limited to the lamp type and shielding requirements of Section 41.07 and the Lumens per acre limits of Section 41.08. The Net Acreage for the determination of compliance with Section 41.08 shall not include the area of the athletic field or outdoor Display Lot, as defined in Section 41.06; the area of any service station canopy shall be included in the Net Acreage.

41.13 Plans and Evidence of Compliance

- (a) Submission contents

The applicant for any permit required by any provision of this section in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this section. Even if no other such permit is required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in this Part of the Code upon application for the required permit:

- (1) plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site;
- (2) description of all lighting fixtures, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required); lamp types, wattages and initial Lumen outputs; and
- (3) photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off of light emissions.

(b) Additional submission

The above required plans, descriptions and data shall be sufficiently complete to enable the Director to readily determine whether compliance with the requirements of this Part of the Code will be achieved. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

(c) Subdivision plats

If any subdivision proposes or is required to have Installed Street or other common or public area outdoor lighting, submission of the information as described in Section 41.12(c) shall be submitted with the illumination plans required by Section 41.12(c).

- (d) Lamp or fixture substitution. Changes of Outdoor Light Fixture or the type of light source therein shall be subject to the approval of the Director.

41.14 Prohibition

(a) Installation of nonconforming fixtures and lamps

The installation of any outdoor lighting fixture or lamp for new construction, additions, or replacement fixtures to existing facilities not in compliance with this section is prohibited.

- (b) Laser source light. The Use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited, unless Installed for temporary Use with prior approval of the Director under Section 41.16. Authorization for such temporary Use shall be for no more than three days per 365 day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.

- (c) Searchlights. The operation of Searchlights for non-governmental purposes is prohibited, unless Installed for temporary Use with prior approval of the Director under Section 41.16. Authorization for such temporary Use shall be for no more than three days per 365 day period for any one applicant or property and shall additionally be subject to any necessary state and federal approvals.
- (d) Off-premise signs. Illumination of outdoor advertising off-premise signs is prohibited in lighting zone E1.
- (e) Existing lighting causing Light Trespass onto residential property.
 - (1) If after complaint and investigation, the Director finds that an existing light fixture directs light toward residential Buildings, the Director shall give written notice of such violation to the owner and/or to the occupant of such premises demanding that the violation be abated within ninety days of the date of written notice.
 - (2) Light trespass onto residential property from existing lighting shall be remedied by redirecting the light fixture or by controlling the light output as necessary.
 - (3) Light levels shall not exceed a maximum of 0.25 Footcandles (2.5 Lux) at the property line of any residential property at a vertical point five feet above Grade.
 - (4) Light trespass measurements shall be made at the property line of the residential site, with the meter held normal to a line between any offending light source(s) and the light meter. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public right of way or at any other location on an adjacent property.
 - (5) Measurement shall be made using a commercial cosine and color corrected meter having an accuracy tolerance of plus or minus 5% or better at one Lux (0.1 Footcandle). The meter shall have been calibrated within two years of the date of measurement by the manufacturer or by a certified illumination laboratory.
 - (6) Measurements shall be taken using a 4.5" long, 1.75" +/- 0.25" diameter thin wall black tube baffle atop the meter's photoelectric cell aperture to prevent any stray light from other sources from affecting the measurement.

41.15 Temporary Exemptions

- (a) Temporary exemption requests. A temporary exemption request shall be subject to the approval of the Director. Such request shall contain the following information:
 - (1) specific ordinance exemption(s) requested;
 - (2) duration of requested exemption(s);
 - (3) proposed location on premises of the proposed light fixture(s);
 - (4) purpose of proposed lighting;
 - (5) information for each Luminaire and lamp combination as required in Section 41.16;
 - (6) previous temporary exemptions, if any, and addresses of premises thereunder; and
 - (7) such other data and information as may be required by the Director.
- (b) Approval-Limitation. The Director shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable upon further written request for a maximum of one additional 30-day period. The Director is not authorized to grant more than one temporary permit and one renewal for a 30 day period for the same property within one calendar year.
- (c) Disapproval-Appeal. If the request for temporary exemption or its extension is disapproved, the applicant shall have the appeal rights provided in Section 41.17(b).

41.16 Other Exemptions

- (a) Nonconformance.
 - (1) Bottom-mounted or unshielded on-premise or off-premise sign lighting shall be brought into compliance with the shielding standards no later than May 7, 2015.
 - (2) Post top antique or acorn style luminaires that cannot achieve full cutoff may be used if they achieve cutoff.

- (3) There shall be no change in Use or lamp type, change or replacement of ballast or any replacement (except for same-type and same-output lamp replacement) or Structural Alteration made, without conforming to all applicable requirements of this section of the Code.

All existing outdoor lighting fixtures shall be brought into compliance with the shielding standards of Section 41.07 not later than May 7, 2015. Compliance with Lumens cap is not mandatory but encouraged.

- (b) Flag illumination. Illumination of city, county, state or U.S. flags with Spot Lights or flood lamps is exempt from all the requirements of this section.
- (c) State and federal facilities. Compliance with the intent of this section of the Code by facilities that are owned, operated and maintained by the state or federal government is encouraged but not required.
- (d) Emergency lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this section for as long as the emergency exists.
- (e) Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of Section 41.07, though such lighting shall conform to all other provisions of this section.
- (f) Fossil fuel lights. All Outdoor Light Fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this section of the Code.

41.17 Appeals

- (a) Historic properties

Properties designated as federal, state, or local historic landmarks or that are within a federal, state, or local historic District shall be exempt from this ordinance if there is a finding of an adverse impact to any significant historical, cultural, or archaeological element of the property as determined in writing by the Anna Historic Landmark Commission or by the Texas Historic Preservation Officer whenever the Anna Historic Landmark Commission is without jurisdiction to require review of proposed work.

- (b) Appeals

Any Person aggrieved by any decision of the Director made in administration or enforcement of this section has the right of appeal to the Building board of appeals.

(Ord. No. 260-2006, adopted 1/10/2006)

Section 42. Planning and Zoning Commission

42.01 Creation of Planning and Zoning Commission

There is hereby created a planning and zoning commission which shall be organized, appointed and function as follows:

- (a) the planning and zoning commission shall consist of five members who are residents of the City of Anna or its extraterritorial jurisdiction, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The City Council shall designate one member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the City Council may appoint two alternate members of the planning and zoning commission who shall serve in the absence of- one or more of the regular members when requested to do so by the chairman or city manager, as the case may be; and
- (b) the terms of three members shall expire in May of each odd-numbered year and the terms of two of the members shall expire in May of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly-appointed members shall be Installed at the first regular commission meeting after their appointment.

42.02 Organization

The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this Part of the Code and the requirements of law.

42.03 Duties and Powers

The planning and zoning commission is hereby charged with the duty and invested with the authority to:

- (a) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
- (b) Recommend to the City Council approval or disapproval of proposed changes in the zoning plan.
- (c) Formulate and recommend to the City Council for its adoption a city plan for the orderly growth and development of the city and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement, of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- (d) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and Districts as provided in Articles 1011a - 1011k, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said Act are specifically adopted and made a part hereof.
- (e) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats set out in Article 974a and 970a, Revised Civil Statutes of Texas.
- (f) Study and recommend on the location, extension and planning of public rights-of-ways, parks or other public places, and on the vacating or closing of same.
- (g) Study and recommend on the general design and location of public Buildings, bridges, viaducts, Street fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of at which are, or may become, the property of the city.
- (h) Initiate, in the name of the city, for consideration at public hearing all proposals:
 - (1) for the opening, vacating or closing of public rights-of-way, parks or other public places; or closing of public rights-of-way, parks or other public places; or
 - (2) for the change of zoning District boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
- (i) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.

- (j) Submit each May a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commission officers.

42.04 Meeting and Quorum

A quorum for the conduct of business shall consist of three members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

Section 43. Board of Adjustment

43.01 Creation

There is hereby created a board of adjustment which shall be organized, appointed, and function as follows:

The board of adjustment shall consist of five members who are residents of the City of Anna or its extraterritorial jurisdiction, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The City Council shall designate one member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the City Council may appoint two alternate members who shall serve in the absence of- one or more of the regular members when requested to do so by the chairman or City Manager, as the case may be.

The terms of three members shall expire in May of each odd-numbered year and the terms of two of the members shall expire in May of each even-numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly-appointed members shall be Installed at the first meeting after their appointment.

43.02 Organization

The commission shall hold an organizational meeting in May of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this Part of the Code and the requirements of law.

43.03 Powers and Duties of Board

- (a) Appeals Based on Error: The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an Administrative Official of the city in the enforcement of this Part of the Code.
- (b) Limitation on Reapplications: When the Board of Adjustment has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of denial. Applications which have been withdrawn at or before the board meeting may be resubmitted at any time for hearing before the board.
- (c) Vote of Four Members Required: The concurring vote of four members of the Board of Adjustment is necessary to:
 - (1) reverse an order, requirement, decision or determination of an Administrative Official;
 - (2) decide in favor of an applicant on a matter on which the Board is required to pass; or
 - (3) authorize a variation from the terms of a Zoning Ordinance.

43.04 Appeals Related to Signs

- (a) The Board of Adjustment shall sit as a board of appeals in public hearings for purposes of the Sign Ordinance (Ordinance No. 2001-01). In considering requests for variances from the requirements of the Sign Ordinance, the Board of Adjustment shall consider the following factors, including but not limited to:
 - (1) the degree of the requested variance;
 - (2) the reason for the requested variance;
 - (3) the location of the requested variance;
 - (4) the duration of the requested variance;
 - (5) the effect of the requested variance on public safety;

- (6) the effect of the requested variance on the general plan for signage within the City;
 - (7) the protection of neighborhood property and property values; and
 - (8) the degree of hardship or injustice involved.
- (b) The Board of Adjustment shall either: grant the requested variance, deny the requested variance, or grant a variance of a greater or lesser nature than the requested variance.

43.05 Appeals Not Related to Signs

- (a) Procedure: Appeals may be taken to and before Board of Adjustment by any Person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the City Secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the board all of the papers constituting the record from which the action appealed was taken.
- (b) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a Court of equity, after notice to the office from whom the appeal.
- (c) Notice of Hearing on Appeal: The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet of any point of the Lot or portion thereof on which a variation is desired, and to all other Persons deemed by the board to be affected thereby, such owners and Persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- (d) Decision by Board: The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in Person or by agent or attorney. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

43.06 Variances

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this Part of the Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Part of the Code will result in unnecessary hardship and so that the spirit of this Part of the Code shall be observed and substantial justice done, including the following:

- (a) permit a variance in the yard requirements of any District where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the Lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
- (b) authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this Part of the Code relating to the construction or alterations of Buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Part of the Code as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this Part of the Code and at the same time, the surrounding property will be properly protected.
- (c) the Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this Part of the Code. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:
 - (1) to permit the erection and Use of a Building or the Use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
 - (2) to permit a public utility or public service or structure in any District, or a public utility or public service Building of a ground area and of a height at variance with those provided for in the District in which such public utility or public service Building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

- (3) to grant a permit for the extension of a Use, height or area regulation into an adjoining District, where the boundary line of the District divides a Lot in a single ownership on the effective date of this Part of the Code.
 - (4) to permit the reconstruction of a Nonconforming Building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 90% of its fair market value, where the Council finds some compelling necessity requiring a continuance of the Nonconforming Use.
 - (5) to waive or reduce the parking and loading requirements in any of the Districts, when (i) the character or Use of the Building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the Use of the Lot. The City Council shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- (d) a written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
- (1) that special conditions and circumstances exist which are peculiar to the land, structure or Building involved and which are not applicable to other lands, structures, or Buildings in the same District;
 - (2) that literal interpretation of the provisions of this Part of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Part of the Code;
 - (3) that the special conditions and circumstances do not result from the actions of the applicant;
 - (4) that granting the variance requested will not confer on the applicant any special privilege that is denied by this Part of the Code to other lands, structures or Buildings in the same District; and
 - (5) no Nonconforming Use of neighboring lands, structures, or Buildings in the same District and no permitted Use of lands, structures, or Buildings in other Districts shall be considered grounds for the issuance of a variance.

43.07 Changes

- (a) The Board of Adjustment shall have no authority to change any provisions of this Part of the Code and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the District designation of any land either to a more or less restrictive zone.
- (b) It is the intent of this Part of the Code that all questions of interpretation and enforcement shall be first presented to the Administrative Official, that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official and that recourse from the decisions of the Board of Adjustment shall be to the Courts as provided by the laws of the State of Texas.

(Ord. No. 370-2008, adopted 3/11/2008)

Section 44. Amendments

44.01 General

The zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the City Council of Anna.

44.02 Amendment Initiation

An amendment to this Part of the Code may be initiated by:

- (a) city council on its own motion;
- (b) planning and zoning commission; or
- (c) request by owner or agent of owner of property to be changed.

44.03 Procedure

All requests for amendments to zoning District boundaries shall be submitted, together with required fees to the Administrative Official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

The City Council may not enact any proposed amendment until the planning and zoning commission makes its final report to the City Council. The City Council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning Districts shall include the proposed

designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment. However, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

44.04 Public Hearing and Notice

Prior to making its report to the City Council, the planning and zoning commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes in District boundaries shall be sent not less than 10 days before such hearing is held to all owners of property who have rendered their property for city taxes, which is located within the area proposed to be changed, within 200 feet of such property or within 200 feet of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken exclusive of public Streets. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States Mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state laws.

44.05 Commission Report

The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the City Council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.

44.06 Forwarding Final Report

Every proposal receiving a final report by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

44.07 Withdrawal

Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

44.08 Sign Posting

The Administrative Official shall have at least one sign erected on the property to be rezoned which sign shall have a total area of at least four square feet. Such sign or signs shall, if possible, be located adjacent to Streets. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of the present zoning classification, the requested zoning, the name of the owner of the property, the name of the applicant and the telephone number of the public official from whom dates of public hearings may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

44.09 Council Hearing and Notice

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the Districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

44.10 Application Not To Be Considered For Another Six Months After Denial Of Request For Rezoning

No application for rezoning shall be considered within six months of denial of a request by the City Council for the same classification on the same property.

44.11 Protest Against Change

In case of a protest against such change signed by the owners of 20% or more either of the land included in such proposed change, or of the land within 200 feet thereof, excluding any intervening public Street, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council present and qualified to vote.

44.12 Council Action on Application

The proponent of any zone change shall satisfy the City Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved

to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a District other than that requested and of a different character.

44.13 Site Plan and Supporting Documents Required; Petition for Zoning District Change or Conditional Use

When in the opinion of the planning and zoning commission, City Council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or Conditional Use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

- (a) Site Plan
- (b) Meeting all of the requirements of a "preliminary plat" as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:
 - (1) existing and proposed zoning District;
 - (2) general outline of extensive tree cover areas;
 - (3) drainage ways, and 100-year Flood Plain limits;
 - (4) proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land Use where required;

(5) proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

(6) a tabular summary schedule indicating;

- i) the gross acreage and percent of each type of zoning category proposed;
- ii) the gross acreage and percent of each type of land Use proposed, with Streets and Open Space categories listed separately, and residential uses further stratified as to type, i.e., single Family, two-Family, multi-Family Townhouse, etc., including the total gross project acreage;
- iii) the gross residential density of each type of residential land Use proposed, expressed in Dwelling Units per acre; and based on net residential land Use plus 1/2 of any abutting Street, only;
- iv) the quantitative number of Dwelling Units proposed for each Residential Dwelling type, i.e., single Family, two-Family etc.;
- v) proposed maximum Lot Coverage by Building types (i.e., single Family, duplex, multi-Family, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the Lot or site.

(c) Architectural Drawings

Elevations, concept sketches, or renderings depicting Building types and other significant proposed improvements including the treatment and Use of Open Spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land Use and development proposals.

(d) Written Documents

In narrative form on 8 1/2" X 11" sheets, including:

- (1) statement(s) on planning objectives to be achieved in Use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including Use and ownership of Open Spaces, etc.;
- (2) legal description of the total site area proposed for rezoning, development, or Conditional Use permit;
- (3) a development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases

- thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (4) a statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
 - (5) economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a Conditional Use permit;
 - (6) environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land Use on the existing environment;
 - (7) statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and
 - (8) signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

Section 45. Platting Property not Permanently Zoned

45.01 Zoning Required Prior to Approval of Plat

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

45.02 Annexation Prior to Approval of Plat

The City Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

45.03 Contemporaneous Action on Zoning and Annexation

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be

applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

Section 46. Classification of New and Unlisted Uses

46.01 Procedure for Classifying New/Unlisted Uses

It is recognized that new types of land Use will develop and forms of land Use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land Use shall be made as follows:

- (a) The Zoning Administrator shall refer the question concerning any new or unlisted Use to the Planning and Zoning Commission requesting a recommendation to the City Council as to the zoning classification(s) into which such Use should be placed. The referral of the Use interpretation question shall be accompanied by a statement of facts listing the nature of the Use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the zoning District or Districts within which such Use should be permitted.
- (b) The Planning and Zoning Commission and the City Council shall consider the nature and described performance of the proposed Use and its compatibility with the uses permitted in the various Districts, in determining the zoning District or Districts within which such Use should be permitted.
- (c) The City Council shall by resolution approve or make such determination concerning the classification of such Use as is determined appropriate, based upon its findings.

Section 47. Temporary Uses

The following temporary uses may be allowed under the conditions and for the time specified upon proper application and review by the zoning administrator:

- (a) A temporary Building may be used as an office incidental to construction work if such Building is located upon the same property as the site under construction, contains no living quarters, and provides for no uses not incidental to construction on the premises. Such Buildings shall be removed within 30 days following final acceptance of the construction by the city.

- (b) A temporary facility or a permanent residential structure located on any platted Lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any other subdivision. Such temporary Use shall be allowed for a period of one year, with extensions upon application and approval of six months possible provided construction remains continuous and no more than 10 Lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.
- (c) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.
- (d) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.
- (e) The zoning administrator, in approving or denying such application shall consider the nature of the Use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The zoning administrator shall have the right to revoke any temporary Use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such Use; after which revocation or denial such temporary Use shall immediately cease and shall be removed within 10 days of notification of such finding.

Section 48. Creation of Building Site

48.01 Procedure for Creating Building Site/Lot

No permit for the construction of a Building or Buildings upon any tract or plot shall be issued until a Building site, Building tract, or Building Lot has been created by compliance with one of the following conditions:

- (a) The Lot or tract is part of a plat of record and filed in the plat records of the county or counties in which the Lot or tract is located.
- (b) The site plot or tract is all or part of a site plan officially approved by the City Council in a Planned Development District after recommendation by the planning and zoning commission.

- (c) The plot, tract or Lot faces upon a dedicated Street and was separately owned prior to the effective date of the ordinance from which this chapter derives or prior to annexation to the City of Anna, whichever is applicable, in which event a building permit for only one main Building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel without first complying with either subsection 46.01(a) or subsection 46.01(b) preceding.
- (d) The plot or tract is a Lot of Record prior to the effective date of this Part of the Code or prior to annexation to the city, whichever is applicable, and the Building Official certifies that the plot or tract does not comply with setback and/or Lot size requirements but that the plot or tract conforms with the provisions of this Part of the Code, as amended, relative to width of Street(s) on which the Lot is located, Street offsets, easement requirements, drainage and other considerations the Building Official believes to be relevant to the particular plot or tract. If the Building Official cannot make such certification, he shall refer the case to the Planning and Zoning Commission for consideration and resolution. The Building Official and Planning and Zoning Commission shall exercise discretion in making decisions in such cases but shall take care to respect the language and spirit of this Part of the Code, as amended.
- (e) The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of Streets, Alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or Lots must be provided access via a public Street or drive.

Section 49. Site Plans

49.01 Site Plan Approval

- (a) Conceptual site plans

Prior to any subdivision of property in any retail District, a conceptual site plan representing the general site assessment of the property shall be approved by the planning and zoning commission.

The conceptual site plan shall include all the land that existed in single ownership at the time of initial zoning, or at the time this provision became effective, whichever is later.

The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems, including but not limited to:

- (1) basic mapping details, such as site boundaries and dimensions, site acreage, location map, north arrow, scale, title Block, etc.;
- (2) access to the site and interior site circulation;
- (3) proposed Lot layout; and
- (4) other items which may negatively impact adjacent property, such as general parking arrangement, delivery truck/dock locations, medians or traffic control devices, and/or median breaks.

The planning and zoning commission shall approve the conceptual site plan, approve the conceptual site plan with conditions, or disapprove the conceptual site plan.

Any development or subdivision of the property shall generally be consistent with the conceptual site plan as approved or amended. No plat, building permit, or Certificate of Occupancy shall be issued for the property unless all construction and development generally conforms to the conceptual site plan.

A conceptual site plan shall expire five years after its approval or amendment date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed.

(b) Site plans required

- (1) Approval of a site plan shall be required for all non-residential development proposals and for proposals involving the following:
 - i) a specific use permit;
 - ii) Multiple Family project;
 - iii) mobile home parks;
 - iv) any development where more than one main Building or primary Use is proposed on a single Lot, Building site, or tract; or
 - v) a Planned Development.

(c) Site or development plans for specific use permits and for Planned Developments shall become a permanent part of the zoning regulations for the proposed development, and any site plan or any significant change to such a site

plan previously approved shall be considered as an amendment to this Zoning Ordinance.

- (d) Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process along with 25 copies of the plan or the number deemed necessary by the city to complete the required reviews or memorandums.

49.02 Content of Site Plan

When required, a site plan shall include the following:

(a) General requirements:

- (1) applicant's name, address, and phone number;
- (2) development location (include subdivision, Lot number, and address);
- (3) proposed Use or uses (letter of intent required);
- (4) zoning District (attach copy of ordinance governing subject property);
- (5) lot area (net and gross);
- (6) lot Coverage;
- (7) location of all existing Buildings or structures on Lot;
- (8) building size and total floor area (separated by Use);
- (9) adjacent land uses and improvements;
- (10) location of hazardous chemical storage;
- (11) sign locations;
- (12) scale: one inch equals 20 feet, 30 feet or 40 feet;
- (13) location of any on-site items (kiosks, sanitation containers, drop boxes, etc.);

- (14) easements;
- (15) location and type of all existing and proposed screening, including screening of sanitation containers, parking areas, vehicles awaiting repair, open storage, etc.;
- (16) location of areas of major tree cover;
- (17) required landscape areas; and
- (18) additional information as deemed necessary to adequately evaluate the site or development plan.

(b) Site circulation and parking:

- (1) drive approach dimensions and radii;
- (2) delineation and width of internal circulation roadways;
- (3) distances between driveways and intersecting Streets;
- (4) number of required Parking Spaces and number of Parking Spaces provided, including handicapped Parking Spaces;
- (5) parking dimensions;
- (6) stacking spaces and drive-through lane location;
- (7) location of curb stops relative to front of parking stall. Note: Wheel stops are not permitted in lieu of curbs;
- (8) handicapped ramps (required at all intersections);
- (9) building entrances;
- (10) sidewalk dimensions;
- (11) fire lanes meeting fire code standards;
- (12) delivery truck docks;

- (13) sanitation container locations;
- (14) medians, islands, barriers, and channelization;
- (15) width of adjacent Streets, Alleys, or other access abutting property;
- (16) length, width, and taper of turn bays.

(c) Utilities:

- (1) existing and proposed water mains (include size and valve locations);
- (2) water meter size and location;
- (3) existing and proposed sewer mains (include size, manholes and cleanout);
- (4) sewer service size (provide cleanout at property line);
- (5) existing and proposed utility easements;
- (6) existing and proposed fire hydrants (include any nearby off-site hydrants);
- (7) existing and proposed fire lines and appurtenances;
- (8) location and size of irrigation meters;
- (9) location and size of grease and sand traps;
- (10) location and size of sampling pits; and
- (11) location and type of pretreatment.

(d) Drainage:

- (1) existing and proposed elevation at critical points;
- (2) drainage area map (if site over one acre);

- (3) on-site collection system;
- (4) 100-year flood elevation (if in flood-prone area);
- (5) existing and proposed contours at two-foot intervals;
- (6) existing and proposed drainage structures (include size and type);
- (7) existing and proposed culverts (Use six-to-one sloped headwall); and
- (8) direction of surface drainage (must be discharged into existing waterway or public right-of-way).

49.03 Lighting Plan

Where site lighting is required or proposed, a lighting plan shall be submitted along with a statement of compliance by a qualified lighting expert, such as an engineer, architect, landscape architect, lighting manufacturer's representative, or lighting contractor.

49.04 Landscape Plan

A conceptual or generalized landscape plan in conformance with the City's landscape regulations shall be submitted with the site plan. A combined site plan/landscape plan may be acceptable if all information required is easily identified.

49.05 Site Plan Approval Process

The planning and zoning commission shall review the proposed site plan and shall submit to the City Council a recommendation of approval, approval with conditions, or disapproval. Prior to consideration of a site plan, the planning and zoning commission may hold a public hearing, with notice given according to the procedure for a change in a zoning District location or boundary.

City council, planning and zoning commission, and staff consideration shall include paving and layout of Streets, Alleys and sidewalks, means of ingress and egress, provisions for drainage, Parking Spaces, protective screening and Open Spaces, as well as areas designated for landscaping, and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity, and general welfare of the city.

If during the course of considering the site plan, conceptual site plan, or landscape plan, the planning and zoning commission is of the opinion that a proper recommendation cannot be made without additional information, the planning and zoning commission is authorized to request that the applicant submit said information and is further authorized to withhold action on the site plan until the submission of the information for the planning and zoning commission's consideration.

A site plan shall expire two years after its approval or amendment date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed. Expiration shall not apply to site plans submitted for a Planned Development or specific use permit.

It shall be unlawful to issue a building permit prior to the approval of the site plan by the City Council, planning and zoning commission and/or planning division, as appropriate. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

During construction and upon completion, the project will be inspected to ensure that the approved site plan has been followed.

49.06 Revision of Site Plan

- (a) In the event that changes to the approved site plan are proposed, the City Manager shall have the authority to require that a revised site plan be submitted to the city for review and approval.
- (b) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. The City Manager shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general Building location on the site, or any conditions specifically attached as part of a City Council approval. The City Manager shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.

Examples of revisions which may be approved by the City Manager include:

- (1) minor dimension and location adjustments;
- (2) minor changes in the number of Parking Spaces, provided that minimum parking requirements are met;
- (3) adjustments to sanitation container location;

- (4) minor revisions to approved elevations; and
- (5) substitution of similar materials on an approved landscape plan.

Examples of revisions that may not be approved by the City Manager include:

- (1) Major changes to type of screening materials;
- (2) Significant alterations to the Building footprint;
- (3) Specific conditions of approval; and
- (4) Any changes that may negatively impact adjacent properties.

If, in the judgment of the City Manager, the proposed revisions exceed staff's approval authority, the revised site plan shall be forwarded to the planning and zoning commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the City Manager within 30 days of their final submission, they shall be scheduled for consideration by the planning and zoning commission upon request by the applicant.

49.07 Certificate of Occupancy

- (a) The Certificate of Occupancy shall not be issued until the final inspection shows that the project has been completed in accordance with the approved site plan.
- (b) Maintenance of Property. Maintenance of the property in conformance with the approved site plan shall thereafter be a condition of a valid Certificate of Occupancy. Failure to maintain the property in conformance with an approved site plan shall be a violation of this Part.
- (c) Mylar Original. The final site plan shall be accompanied by a mylar original for permanent record.
- (d) Preliminary Site Plan. For the purpose of assisting in-process planning, a preliminary site plan may be submitted for planning and zoning commission and planning division consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any building permit on a preliminary site plan.

Section 50. Completion of Buildings

Nothing in these regulations nor in any amendments hereto which change District boundaries shall require any change in the plans, construction, or designated Use of any Building which shall be completed in its entirety within one year from the date of the passage of this Part of the Code, provided such Building was authorized by building permit before the passage of this Part of the Code and further provided construction shall have been started within 90 days of the passage of this Part of the Code.

Commitments made by the city with reference to construction of public utility Buildings and facilities necessary for the anticipated expansion of the city made prior to the passage of this Part of the Code shall be observed.

Section 51. Schedule of Fees, Charges, and Expenses

The schedule of fees, charges, and expenses related to administration of this Part is attached as Part IV of this Code. The schedule shall be posted in the office of the administration official and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

Section 52. Penalty for Violations

Any Person or corporation violating any of the provisions of this Part of the Code shall upon conviction be fined a sum not to exceed \$2,000 per day and each and every day that the provisions of this Part of the Code are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any District where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such Court or Courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Section 53. Validity, Severance and Conflict

If any section, paragraph, subdivision, clause, phrase or provision of this Part of the Code shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this Part of the Code as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this Part of the Code conflicts with other ordinances of the City of Anna the terms of this Part of the Code shall control. The Zoning Ordinance of the City of Anna, Ordinance No. 116-2003, dated September 20, 2003, are hereby repealed.

Section 54. Codification

The City Secretary is hereby authorized to codify or have codified by a third party the various provisions of Zoning Ordinances and regulations of the City.

Section 55. Effective Date

This Part of the Code shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.
gratify

APPENDIX 1 RESIDENTIAL ZONING DISTRICT AREA REGULATIONS

| | AG | SF-E | SF-84 | SF-72 | SF-1 | SF-60 | SF-2 | SF-Z | SF-TH | TF | MH-1 | MH-2 | MF-1 | MF-2 |
|--|--------|--------|-------|-------|-------|-------|-------|-------|----------------|-------|-------|-------|-------|-------|
| Maximum Height (feet) | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 45 | 45 |
| Side Yard, Interior (feet) | 15 | 15 | 10 | 10 | 10 | 10 | 10 | (a) | (b) | 10 | 10 | 10 | 10 | 10 |
| Side Yard, Corner Lot, Street Side (feet) (c) | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 25 |
| Rear Yard (feet) (d) | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| Front Yard (feet) | 35 | 25 | 25 | 25 | 25 | 25 | 25 | 20 | 20 | 25 | 25 | 25 | 25 | 25 |
| Lot Area (feet) (Ord. No. 445-2009, adopted 05/26/09) | 43,560 | 43,560 | 8,400 | 7,200 | 7,200 | 6,000 | 6,000 | 4,500 | 2,700 per unit | 7,200 | 6,000 | 5,000 | 6,000 | 5,000 |
| Min. Lot Width (feet) | 75 | 75 | 70 | 60 | 60 | 50 | 50 | 40 | 25 | 60 | 50 | 50 | 50 | 50 |
| Min. Lot Depth (feet) | 120 | 120 | 120 | 120 | 120 | 120 | 120 | 100 | 160 | 120 | 120 | 120 | 120 | 120 |
| Max. Lot Coverage (%) | 40 | 40% | 35% | 40% | 40% | 45% | 45% | 50% | 60% | 50% | 60% | 50% | 40% | 50% |
| Building Size (square feet) | 2400 | 2400 | 2000 | 1800 | 1800 | 1600 | 1600 | 1200 | 900 | 1200 | None | None | None | None |
| Masonry* (%) | 80% | 80% | 80% | 80% | 0% | 80% | 80% | 80% | 80% | 80% | 80% | 80% | 90% | 90% |

*Brick or rock veneer; See also Section 35.05(f).

(a) Zero one side with 10 feet separation between Buildings.

(b) 14 feet between ends of Buildings.

(c) 45 feet where adjacent to single Family or duplex residential District.

(d) The required Rear Yard shall be open and unobstructed to the sky from a point 30 inches above the average elevation of the Graded Rear Yard, except for Accessory Buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the Rear Yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required Rear Yard.

AG Agricultural District
 SF-E Single Family Residential Estate
 SF-84 Single Family Residential 8,400 Square Feet Min. Lot Size
 SF-72 Single Family Residential 7,200 Square Feet Min. Lot Size
 SF-1 Single Family Residential 7,200 Square Feet Min. Lot Size
 SF-60 Single Family Residential 6,000 Square Feet Min. Lot Size
 SF-Z Single Family Residential Zero Lot Line
 SF-TH Single Family Residential Townhouse
 MH-1 Manufactured Home District
 MH-2 Manufactured Home Park District
 MF-1 Multiple Family Residential – Low Density
 MF-2 Multiple Family Residential – High Density

SEE INDIVIDUAL DISTRICT REGULATIONS (SECTIONS 8 –21 and 35) FOR ADDITIONAL REGULATIONS

APPENDIX 1 (CONTINUED)
RESIDENTIAL ZONING DISTRICT AREA REGULATIONS

| | C-1 | NC | C-2 | C-3 | O-1 | I-1 | I-2 | THOR Overlay | CBRD |
|---|---------------|-----------|------------|------------|------------|--------------------|------------|-------------------------|-------------|
| Maximum Height (feet) | 25 1 Story | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| Side Yard, Interior (feet) (a) | 5 (c) | 5 (c) | 5 (c) | 5 (d) | None (e) | None (d) | None (d) | None (d) | 0 / (c) |
| Side Yard, Corner Lot Street Side (feet) | 25 | 25 | 25 | 25 | 50 | 25 | 25 | 25 | 0 |
| Rear Yard (feet) | 10 (c) | 10 (c) | 10 (c) | 10 (d) | None (e) | None (d) | None (d) | None (d) | 0 / (c) |
| Front Yard (feet) (b) | 25 | 25 | 25 | 25 | 50 | 25 | 25 | 50 | 0 / (a) |
| Lot Area (feet) | 7,000 | 10,000 | 10,000 | 10,000 | None | 10,000 | 10,000 | 20,000 | 2,500 |
| Minimum Lot Width (feet) | 60 | 50 | 60 | 80 | None | 50 | 50 | 100 | 25 |
| Minimum Lot Depth (feet) | 100 | 100 | None | 100 | None | None | None | 100 | 100 |
| Maximum Lot Coverage (%) | 40% | 50% | 70% | 70% | 50% | 50% | 50% | 50% | Na |
| Building Size (square feet) | | | | | | | | | Na |
| Masonry* (%) | 60% | 60% | 60% | 60% | 60% | Street Frontage | None | 100% | 100 |

Brick or rock veneer, front 100%

- (a) 25 feet where adjacent to residential District.
- (b) 35 feet where adjacent to residential District.
- (c) 15 feet when abutting any District requiring a side yard.
- (d) 25 feet when abutting any District requiring a rear Yard.
- (e) 15 feet when abutting any District requiring a side yard.
- (f) 25 feet or 20% of dept

C-1 = Restricted Commercial District
NC = Neighborhood Business District
C-2 = General Business District
C-3 = Planned Center District
O-1 = Office District
I-1 = Light Industrial District
I-2 = Heavy Industrial District
THOR Overlay = Thoroughfare Overlay District
CBRD = Central Business Redevelopment District

SEE INDIVIDUAL DISTRICT REGULATIONS (SECTIONS 22 – 35) FOR ADDITIONAL REGULATIONS

APPENDIX 2 USE OF LAND AND BUILDINGS

No land shall hereafter be used and no Building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the District in which it is located as set forth by the following Schedule of Uses:

| | |
|---------|---|
| Table 1 | Residential Uses |
| Table 2 | Educational, Institutional, and Special Uses |
| Table 3 | Transportation, Utility, and Communications Uses |
| Table 4 | Automobile and Related Service Uses |
| Table 5 | Office, Retail, Commercial, and Service Type Uses |
| Table 6 | Manufacturing, Storage, and Warehousing Uses |
| Table 7 | Accessory and Incidental Uses |

LEGEND FOR INTERPRETING SCHEDULE OF USES

| | |
|---|---|
| Y | Designates Use <i>permitted</i> in District indicated. |
| | Designates Use <i>prohibited</i> in District indicated. |
| S | Designates Use which may be approved as <i>Specific Use Permit</i> . |

The numbers in the “Def” column refer to descriptions/definitions listed in Appendix 3, Descriptions/Definitions of Uses.

Additional regulations relating to Use of land and Buildings in individual zoning Districts are listed in sections 9 through 33 of this Part of the Code.

**APPENDIX 2
SCHEDULE OF USES – TABLE 1
RESIDENTIAL USES**

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | MH-1 | MH-2 | TF | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|-----------|----|------|------|-------|-------|-------|------|-------|------|------|----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Apartment, CBRD | Ex 3.1.4 | | | | | | | | | | | | | | | | | Y | | | | |
| Bed and breakfast facility (1) | Ex 3.1.2 | | S | S | S | S | S | S | S | S | S | S | S | S | Y | Y | Y | Y | | | | |
| Boarding or rooming house | Ex 3.1.3 | | | | | | | | | | | | | | Y | | S | | | | | |
| Dormitory | Ex 3.1.5 | | | | | | | | | | | | S | S | | | | | | | | |
| Duplex (see Two family dwelling) | | | | | | | | | | | | | | | | | | | | | | |
| Garden (patio) home (2) | Ex 3.1.7 | | | | | | | | Y | S | S | | S | S | | | | | | | | |
| Guest house | Ex 3.1.8 | Y | Y | | | | | | | | | | | | | | | | | | | |
| Manufactured housing, HUD Code | Ex 3.1.10 | | | | | | | | | Y | Y | | | | | | | | | | | |
| Manufactured home park | Ex 3.1.12 | | | | | | | | | | Y | | | | | | | | | | | |
| Manufactured home subdivision | Ex 3.1.13 | | | | | | | | | Y | | | | | | | | | | | | |
| Mobile home | Ex 3.1.14 | | | | | | | | | | | | | | | | | | | | | |
| Motel, motor hotel, or motor lodge | Ex 3.1.16 | | | | | | | | | | | | | | | | Y | | | | | |
| Multiple family residence (3) | Ex 3.1.17 | | | | | | | | | | | S | Y | Y | | | | | | | | |
| Residence hotel (4) | Ex 3.1.18 | | | | | | | | | | | | Y | Y | Y | | | | | | | |
| Retirement housing | Ex 3.1.19 | | | | | | | | | | | | Y | Y | S | | S | | | | | |
| Servant's, caretaker's or guard's res. | Ex 3.1.21 | | | | | | | | | | | | S | S | S | | S | | | | S | S |
| Single family dwelling, attached | Ex 3.1.22 | | | | | | | | Y | | | Y | †† | ††† | | | | | | | | |
| Single family dwelling, detached | Ex 3.1.23 | † | Y | Y | Y | Y | Y | Y | | | | | | | | | | | | | | |
| Townhouse | Ex 3.1.24 | | | | | | | | | Y | Y | | Y | Y | | | | | | | | |
| Travel trailer park | Ex 3.1.27 | | | | | | | | | | | | | | | | S | | | | | |
| Two family dwelling | Ex 3.1.28 | | | | | | | | S | S | S | Y | Y | S | | | | | | | | |
| Zero lot line house | Ex 3.1.29 | | | | | | | | | Y | Y | | Y | Y | | | | | | | | |

* The number in this column references a description/definition listed in Appendix 3.

- (1) See Section 34.08 for additional regulations.
- (2) See Section 34.05 for additional regulations.
- (3) See Section 34.06 for additional regulations.
- (4) See Section 34.04 for additional regulations.

† See Section 9.02(a) of this ordinance.

†† See Section 20.02(a) of this ordinance.

††† See Section 21.02(a) of this ordinance.

APPENDIX 2
SCHEDULE OF USES – TABLE 2
EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | Office | I-1 | I-2 |
|---|--------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|--------|-----|-----|
| Athletic field (See Stadium or playfield, public) | | | | | | | | | | | | | | | | | | | | | | |
| Cemetery or mausoleum | Ex. 3.2.1 | S | S | S | | | | | | | | | | | | S | S | S | S | | S | S |
| Child care center (1) | Ex. 3.2.2 | | | | | | | | | | | | S | S | S | S | Y | Y | Y | | | |
| Church, rectory, place of worship | Ex. 3.2.3 | S | S | S | S | S | S | S | S | S | S | S | S | S | Y | Y | Y | Y | Y | | | |
| Civic center | Ex. 3.2.34 | | | | | | | | | | | | | | S | | Y | Y | Y | | Y | Y |
| College or university | Ex. 3.2.45 | | | | | | | | | | | | S | S | | | S | S | Y | | S | S |
| Community center, public | Ex. 3.2.6 | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | | Y | |
| Community center, private | Ex. 3.2.7 | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | | Y | |
| Continuing care facility | Ex. 3.2.8 | | S | S | | | | | | S | S | | Y | Y | Y | Y | Y | Y | | | | |
| Country club (private) | Ex. 3.2.9 | Y | S | S | | | | | | | | | | | | | | | | | Y | |
| Day care facility (See Child care center) | | | | | | | | | | | | | | | | | | | | | | |
| Exhibition area | Ex. 3.2.11 | S | | | | | | | | | | | | | | | Y | Y | Y | | Y | S |
| Fairgrounds | Ex. 3.2.12 | S | | | | | | | | | | | | | | | S | | S | | Y | Y |
| Family home (2) | Ex. 3.2.13 | S | S | | | | | | | S | | | S | S | | | | | | | | |
| Farm, ranch, or orchard | Ex. 3.2.14 | Y | S | S | | | | | | | S | | | | | | | | | | Y | Y |
| Feedlot, livestock | | S | | | | | | | | | | | | | | | | | | | | |
| Fraternal organization, lodge or civic club | Ex. 3.2.15 | S | | | | | | | | | | | | | S | | Y | Y | Y | | Y | S |
| Golf course | Ex. 3.2.16 | Y | | | | | | | | | | | | | | | | | | | Y | Y |
| Golf driving range | | Y | | | | | | | | | | | | | | | | | | | Y | S |
| Greenhouse, commercial | Ex. 3.2.17a | Y | S | | | | | | | | | | | | | | | | | | Y | Y |
| Greenhouse or plant nursery, non-commercial | Ex. 3.2.17b | Y | Y | Y | | | | | | | | | | | | | | | | | Y | Y |
| Health club; gymnasium | Ex. 3.5.36 | | | | | | | | | | | | | | Y | | Y | | Y | | Y | |
| Hosp. (chronic care); long term health care fac. | Ex. 3.2.18 | | | | | | | | | | | | S | S | | | Y | Y | Y | | Y | S |
| Hospital (acute care) | Ex. 3.2.19 | | | | | | | | | | | | | | | | Y | Y | Y | | Y | S |
| Household care facility | Ex. 3.2.20 | | | | | | | | | S | | | Y | Y | | | | | | | | |
| Household care institution | Ex. 3.2.21.1 | | | | | | | | | | | | S | S | | | | | | | | |
| Kennel (no outside pens) | Ex. 3.2.21.2 | Y | | | | | | | | | | | | | | | S | | Y | | Y | Y |

APPENDIX 2
SCHEDULE OF USES – TABLE 2 (CONTINUED)
EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|-----------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Kennel (outside pens) | Ex. 3.2.21.2 | Y | | | | | | | | | | | | | | | S | | | | Y | Y |
| Library | Ex. 3.2.22 | | S | S | S | S | S | S | S | S | S | S | S | S | Y | Y | Y | Y | Y | Y | | |
| Museum or art gallery | Ex. 3.2.23 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | Y | | |
| Nursery school, kindergarten | Ex. 3.2.24 | | | | | | | | | | | | | | S | S | Y | S | Y | S | | |
| Nursing home (See Rest home or nursing home) | Ex. 3.2.34 | | | | | | | | | | | | | | | | | | | | | |
| Park, playg'd, or rec. center (public) | Ex. 3.2.26 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Park, playg'd, or rec. center (private) | Ex. 3.2.27 | Y | S | S | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | S | S | S | S | S | S | S | S |
| Personal care home (custodial care) | Ex. 3.2.28 | | S | S | | | | | | | S | | S | S | | | | | | | | |
| Prison, jail, place of incarceration | | S | | | | | | | | | | | | | | | | | | | S | S |
| Race track | Ex. 3.2.30 | S | | | | | | | | | | | | | | | | | | | | Y |
| Registered family home | Ex. 3.2.31 | | S | S | | | | | | | S | | S | S | S | | S | | | | | |
| Rehabilitation care facility | Ex. 3.2.32 | S | | | | | | | | | | | | | | | | | | | S | S |
| Rehabilitation care institution | Ex. 3.2.33 | S | | | | | | | | | | | | | | | S | | | | S | S |
| Rest home or nursing home | Ex. 3.2.34 | | | S | S | S | S | S | S | S | S | S | S | S | S | S | Y | S | Y | | D | |
| Rodeo arena and grounds | | S | | | | | | | | | | | | | | | | | | | S | Y |
| School, private (primary and/or secondary) | Ex. 3.2.35 | S | S | S | S | S | S | S | S | S | S | S | S | S | Y | Y | Y | | Y | Y | S | |
| School, public (primary and/or secondary) | Ex. 3.2.36 | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | | Y | Y | S | |
| School, trade or commercial | Ex. 3.2.37 | S | | | | | | | | | | | | | S | S | S | S | Y | | Y | Y |
| Shooting range, target range | | S | | | | | | | | | | | | | | | | | | | S | S |
| Stable, commercial | Ex. 3.2.38a | Y | | | | | | | | | | | | | | | | | | | | S |

APPENDIX 2
SCHEDULE OF USES – TABLE 2 (CONTINUED)
EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|-------------------------------|----------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Stable, private | Ex. 3.2.38b | Y | S | | | | | | | | | | | | | | | | | | | |
| Stadium or playfield, public | Ex. 3.2.39 | S | S | S | | | | | | S | S | | S | S | Y | | S | | | | | |
| Swimming pool, commercial (1) | Ex. 3.2.40 | | | | | | | | | | | | | | S | S | S | S | S | | S | S |
| Swimming pool, private (1) | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | S | S | S | S | S | S | S | S |

* The number in this column references a description/definition listed in Appendix 3.

(1) See Section 34.10 for additional regulations.

APPENDIX 2
SCHEDULE OF USES – TABLE 3
TRANSPORTATION, UTILITY AND COMMUNICATIONS USES

| TYPE OF USE | Def* | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|--------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Airport, landing field | Ex 3.3.1 | S | | | | | | | | | | | | | | | | | | | S | S |
| Electric power generating plant | | S | | | | | | | | | | | | | | | | | | | S | Y |
| Electrical substation | Ex 3.3.2 | Y | S | S | S | S | S | S | S | S | S | S | S | S | Y | Y | Y | Y | Y | Y | Y | Y |
| Gas metering station | Ex 3.3.3 | Y | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | Y |
| Heliport or heliostat | Ex 3.3.4 | S | | | | | | | | | | | | | | | S | S | S | | Y | Y |
| Landfill | | S | | | | | | | | | | | | | | | | | | | | |
| Liquified petroleum gas, storage & sale (no bulk plants) | | S | | | | | | | | | | | | | | | | | S | Y | | |
| Radio, TV or microwave oper., amateur (1) | Ex 3.3.6 | S | S | S | S | S | S | S | S | S | S | S | S | S | | | Y | S | Y | Y | Y | Y |
| Radio, TV or microwave oper., commer. (1) | Ex 3.3.7 | S | | | | | | | | | | | | | | | Y | | | S | S | S |
| Railroad station | Ex 3.3.8 | S | | | | | | | | | | | | | | | | | | | Y | Y |
| Railroad team track & right of way | Ex 3.3.9 | S | | | | | | | | | | | | | | | | | | | Y | Y |
| Service yards of government agency | Ex 3.3.11 | S | S | S | | | | | | S | S | | S | S | S | | S | | | | Y | Y |
| Shops, office and/or storage area of public or private utility | Ex 3.3.12 | S | | | | | | | | | | | | | | | | | | | Y | Y |
| Solid waste transfer station | Ex 3.3.13 | S | | | | | | | | | | | | | | | S | | | | S | Y |
| Telephone exchange | Ex 3.3.14 | † | | | | | | | | | | | | | S | S | Y | S | Y | Y | Y | Y |
| Transit station or turnaround | | Y | | | | | | | | | | | | | | Y | Y | Y | Y | Y | Y | Y |

* The number in this column references a description/definition listed in Appendix 3.

† See Section 9.02(b) of this ordinance.

(1) See Section 34.03.

APPENDIX 2
SCHEDULE OF USES – TABLE 4
AUTOMOBILE AND RELATED SERVICES USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|-----------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Auto laundry (See Car Wash) | Ex 3.4.1 | | | | | | | | | | | | | | | | | | | | | |
| Auto leasing & Rental | Ex 3.4.2 | | | | | | | | | | | | | | | | Y | | Y | | Y | |
| Auto paint and body shop | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Auto parts sales (inside) | Ex 3.4.3 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | Y | |
| Auto parts sales (outside) | Ex 3.4.4 | | | | | | | | | | | | | | | | | | | S | Y | S |
| Auto repair, major | Ex 3.4.5 | | | | | | | | | | | | | | | | | | | Y | Y | S |
| Auto repair, minor | Ex 3.4.6 | | | | | | | | | | | | | | S | S | Y | S | Y | | | |
| Automobile and trailer sales area, new | Ex 3.4.7 | | | | | | | | | | | | | | | | Y | | Y | | Y | |
| Automobile and trailer sales area, used | Ex 3.4.8 | | | | | | | | | | | | | | | | S | | Y | | Y | S |
| Automobile service station (1) | Ex 3.4.9 | | | | | | | | | | | | | | Y† | | Y†† | | | | S | S |
| Auto storage | Ex 3.4.10 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Auto wrecking yard or junk yard | Ex 3.4.11 | | | | | | | | | | | | | | | | | | | | S | S |
| Bus terminal | Ex 3.4.12 | | | | | | | | | | | | | | | | Y | Y | | | Y | |
| Car wash | Ex 3.4.13 | | | | | | | | | | | | | | S | S | Y | | S | | Y | |
| Motorcycle sales and service | Ex. 3.4.2 | | | | | | | | | | | | | | S | | Y | | Y | | Y | |
| Parking lot or parking garage, automobile | Ex 3.4.16 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | Y | Y | Y |
| Parking lot or parking garage, truck | Ex 3.4.17 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Quick oil change facility | Ex 3.4.18 | | | | | | | | | | | | | | Y | Y | Y | Y | | | Y | |
| Quick tuneup facility | Ex 3.4.19 | | | | | | | | | | | | | | Y | Y | Y | | | | Y | |
| Tire dealer (no outside storage) | | | | | | | | | | | | | | | S | | Y | | Y | | Y | S |
| Tire dealer (with outside storage) | | | | | | | | | | | | | | | | | S | | | | Y | S |
| Tire retreading and recapping | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Truck and bus leasing | Ex 3.4.20 | | | | | | | | | | | | | | | | S | | | | S | S |
| Truck and bus repair | Ex 3.4.21 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Truck or motor freight terminal | Ex 3.4.22 | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Truck sales | Ex 3.4.23 | | | | | | | | | | | | | | | | S | | | | Y | |
| Truck stop | Ex 3.4.24 | | | | | | | | | | | | | | | | S | | | | Y | |

* The number in this column references a description/definition listed in Appendix 3.

(1) See Section 34.07 for additional regulations.

† See Sections 24.02(a) of this ordinance.

†† See Section 24.03(b) of this ordinance.

APPENDIX 2
SCHEDULE OF USES – TABLE 5
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|--------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Adult entertainment establishment | Ex 3.5.1a | | | | | | | | | | | | | | | | | | | | S | |
| Adult arcade | Ex 3.5.1a(1) | | | | | | | | | | | | | | | | | | | | S | |
| Adult bookstore | Ex 3.5.1a(2) | | | | | | | | | | | | | | | | | | | | S | |
| Adult cabaret | Ex 3.5.1a(3) | | | | | | | | | | | | | | | | | | | | S | |
| Adult motion picture theater | Ex 3.5.1a(4) | | | | | | | | | | | | | | | | | | | | S | |
| Adult theater | Ex 3.5.1a(5) | | | | | | | | | | | | | | | | | | | | S | |
| Air conditioning & refrigeration contractor | Ex 3.5.1b | | | | | | | | | | | | | | | | S | | S | | Y | Y |
| Amusement, commercial (indoor) | Ex 3.5.3a | | | | | | | | | | | | | | S | | S | | S | | Y | S |
| Amusement, commercial (outdoor) | Ex 3.5.3b | | | | | | | | | | | | | | | | | | | | Y | S |
| Antique shop | Ex 3.5.4 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Arcade | Ex 3.5.5 | | | | | | | | | | | | | | S | | S | | | | S | S |
| Arts, crafts store (inside sales) | | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Arts, crafts store (outdoor sales) | | | | | | | | | | | | | | | | | S | S | S | | Y | |
| Bakery and confectionery, retail sales | Ex 3.5.6a | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | | |
| Bakery and confectionery, commercial | Ex 3.5.6b | | | | | | | | | | | | | | S | | S | S | S | | Y | Y |
| Bank, savings and loan, credit union | Ex 3.5.7 | | | | | | | | | | | | | | Y | | Y | Y | Y | | Y | Y |
| Boat sales and storage | | | | | | | | | | | | | | | | | Y | | | | Y | |
| Barber shop | Ex 3.5.8a | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | | |
| Barber school or college | Ex 3.5.8b | | | | | | | | | | | | | | | | Y | S | Y | | Y | |
| Beauty culture school; cosmetology spec. shop | Ex 3.5.9a | | | | | | | | | | | | | | Y | | Y | S | Y | | Y | |
| Beauty shop | Ex 3.5.9b | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | | |

APPENDIX 2
SCHEDULE OF USES – TABLE 5 (CONTINUED)
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|---------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Bowling alley | Ex. 3.5.39 | | | | | | | | | | | | | | Y | | Y | | S | | Y | |
| Bldg. materials, hardware (inside storage) | Ex 3.5.10 | | | | | | | | | | | | | | Y | | Y | Y | Y | | Y | S |
| Bldg. materials, hardware (outside storage) | Ex 3.5.10 | | | | | | | | | | | | | | S | | S | | S | | Y | Y |
| Cabinet and upholstery shop | Ex 3.5.12 | | | | | | | | | | | | | | | | S | | S | | Y | Y |
| Cleaning and dyeing, small shop | Ex 3.5.13 | | | | | | | | | | | | | | S | S | S | S | S | | Y | Y |
| Clinic, medical or dental | Ex 3.5.14 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | Y | | |
| Convenience store | Ex 3.5.15 | | | | | | | | | | | | | | Y | Y | Y | Y | S | | S | |
| Custom personal service shop | Ex 3.5.16 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | S | |
| Discount, variety, or department store | Ex 3.5.17 | | | | | | | | | | | | | | S | | Y | Y | Y | | S | |
| Drapery, needlework, or weaving shop | | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | Y | |
| Engine and motor repair | Ex. 3.4.9 | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Farm equipment, sales & service | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Feed and farm supply (inside sales/storage) | Ex 3.5.18 | | | | | | | | | | | | | | S | | Y | | | | Y | Y |
| Feed and farm supply (outside sales/storage) | Ex 3.5.18 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Flea market | Ex 3.5.19 | S | | | | | | | | | | | | | | | S | | S | | Y | Y |
| Florist | Ex 3.5.20 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | S | |
| Food and Beverage store | Ex. 3.5.22 | | | | | | | | | | | | | | Y | | Y | Y | Y | | Y | Y |
| Food store; grocery store | Ex 3.5.21 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | | |
| Furniture & appliance, repair or storage | Ex 3.5.20 | | | | | | | | | | | | | | | | | | | | Y | S |

APPENDIX 2
SCHEDULE OF USES – TABLE 5 (CONTINUED)
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|-----------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Furniture, appliance store (inside storage) | Ex 3.5.23 | | | | | | | | | | | | | | Y | | Y | S | Y | | Y | Y |
| Furniture, appliance store (outside storage) | Ex 3.5.23 | | | | | | | | | | | | | | S | | S | | Y | | Y | Y |
| Garden center (retail sales) | Ex 3.5.25 | | | | | | | | | | | | | | Y | | Y | Y | Y | | Y | |
| General merchandise store | Ex 3.5.26 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Gymnastic or dance studio | | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | S | |
| Handcraft shop | | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | S | |
| Heavy machinery sales | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Hotel | Ex. 3.1.16 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Household appliance service and repair | Ex. 3.5.23 | | | | | | | | | | | | | | S | | Y | Y | Y | | Y | |
| Laboratory, medical or dental | | | | | | | | | | | | | | | S | | Y | | Y | Y | S | |
| Laboratory, scientific or research | Ex 3.5.27 | | | | | | | | | | | | | | | | | | | S | Y | Y |
| Laundry and cleaning, self service | Ex 3.5.28 | | | | | | | | | | | | | | Y | Y | Y | | Y | | | |
| Laundry and cleaning, commercial | Ex. 3.5.28 | | | | | | | | | | | | | | | | | | | | S | Y |
| Massage parlor | Ex 3.5.1a(6) | | | | | | | | | | | | | | | | S | | | | S | |
| Massage therapy facility | Ex 3.5.29 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Metal dealer, secondhand | Ex 3.5.30a | | | | | | | | | | | | | | | | | | | | Y | Y |
| Metal dealer, crafted precious | Ex 3.5.30b | | | | | | | | | | | | | | Y | | Y | Y | Y | | Y | Y |
| Motel, motor hotel, motor lodge | Ex. 3.1.16 | | | | | | | | | | | | | | Y | | Y | | Y | | | |
| Mortuary or funeral home | | | | | | | | | | | | | | | | | Y | | Y | | S | |
| Nude modeling studio | Ex 3.5.1a(7) | | | | | | | | | | | | | | | | S | | | | S | |

APPENDIX 2
SCHEDULE OF USES – TABLE 5 (CONTINUED)
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|---------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Office center | Ex 3.5.32 | | | | | | | | | | | | | | Y | | S | | S | Y | | |
| Office, prof. or general administrative | Ex 3.5.33 | | | | | | | | | | | | | | Y | | Y | | | Y | | |
| Office - showroom/warehouse | Ex 3.5.34 | | | | | | | | | | | | | | | | S | | S | | Y | Y |
| Pawn shop | Ex 3.5.35 | | | | | | | | | | | | | | | | S | | S | | S | |
| Personal service shop | Ex 3.5.36 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Pet shop | Ex 3.5.37 | | | | | | | | | | | | | | Y | | Y | Y | Y | | | |
| Medical supplies, sales & service | | | | | | | | | | | | | | | S | | S | | Y | | Y | |
| Newspaper printing | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Pharmacy | | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | | |
| Plumbing, heating, refrig. or air cond. bus. | Ex 3.5.38 | | | | | | | | | | | | | | | | S | | | | Y | S |
| Plumbing service | Ex 3.5.39 | | | | | | | | | | | | | | | | S | | | | Y | S |
| Portable building sales | Ex 3.5.40 | | | | | | | | | | | | | | | | | | S | | Y | S |
| Post office, government and private | Ex 3.5.41 | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | Y | Y |
| Print shop | Ex 3.5.42 | | | | | | | | | | | | | | S | | S | | | | Y | Y |
| Private clubs (1) | | | | | | | | | | | | | | | S | | S | S | S | | S | |
| Racquetball facilities | Ex 3.5.43 | | | | | | | | | | | | | | S | | Y | Y | Y | | Y | |
| Restaurant or cafeteria, with drive-in or drive-through service | Ex 3.5.44a | | | | | | | | | | | | | | Y | S | Y | S | S | | Y | |
| Restaurant or cafeteria, without drive- in or drive-through service | Ex 3.5.44b | | | | | | | | | | | | | | Y | Y | Y | Y | Y | | Y | |
| Restaurant, with drive-in service | Ex 3.5.44c | | | | | | | | | | | | | | Y | | Y | | | | Y | |

APPENDIX 2
SCHEDULE OF USES – TABLE 5 (CONTINUED)
OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|----------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Restaurant, with drive-through service | Ex 3.5.44d | | | | | | | | | | | | | | Y | | Y | | | | Y | |
| Retail Ice and Dispensed Water Sales | Ex 3.5.45b. | | | | | | | | | | | | | | S | | S | | S | | S | S |
| Retail shops and stores other than listed | Ex 3.5.45a. | | | | | | | | | | | | | | Y | S | Y | S | Y | | S | |
| Second hand store, furniture/clothing | Ex 3.5.46 | | | | | | | | | | | | | | S | S | S | S | S | | Y | |
| Service, retail | Ex 3.5.47 | | | | | | | | | | | | | | S | S | Y | Y | Y | | Y | |
| Sexually oriented business (see Adult entertainment establishment) | Ex. 3.5.48a | | | | | | | | | | | | | | | | | | | | | |
| Shopping center | Ex 3.5.48b | | | | | | | | | | | | | | Y | S | Y | Y | Y | | | |
| Short-Term Loan Agency | | | | | | | | | | | | | | | | | | | | | S | S |
| Studio (photographer, musician, artist) | | | | | | | | | | | | | | | Y | S | Y | Y | Y | Y | | |
| Studio for radio and television | | | | | | | | | | | | | | | Y | S | Y | Y | Y | Y | S | |
| Tanning salon | | | | | | | | | | | | | | | Y | Y | Y | | Y | | | |
| Taxidermist | | | | | | | | | | | | | | | S | S | Y | Y | Y | | S | |
| Theater (indoor) | | | | | | | | | | | | | | | Y | S | Y | Y | Y | | S | |
| Theater (outdoor) | Ex 3.5.49 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Tool rental shop | | | | | | | | | | | | | | | | | S | S | Y | | Y | S |
| Trailer, manufactured housing or mobile home display and sales | Ex 3.5.50 | | | | | | | | | | | | | | | | S | | S | | Y | S |
| Trailer rental | Ex 3.5.51 | | | | | | | | | | | | | | | | S | | S | | Y | S |
| Veterinarian clinic (no outside pens) | | | | | | | | | | | | | | | S | | S | | Y | | Y | S |
| Veterinarian clinic (outside pens) | | | | | | | | | | | | | | | | | S | | | | Y | S |
| Washateria | Ex 3.5.51 | | | | | | | | | | | | | | S | Y | Y | Y | S | | S | |

* The number in this column references a description/definition listed in Appendix 3.

APPENDIX 2
SCHEDULE OF USES – TABLE 6
MANUFACTURING, STORAGE AND WAREHOUSING USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|-----------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Acetylene gas manufacture or storage | | | | | | | | | | | | | | | | | | | | | | Y |
| Acid manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Advertising displays manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Alcohol manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Ammonia, bleach or chlorine manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Apparel and other products assembled from finished textiles | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Arsenal | | | | | | | | | | | | | | | | | | | | | | Y |
| Asphalt manufacture or refining | | | | | | | | | | | | | | | | | | | | | | Y |
| Bag cleaning | | | | | | | | | | | | | | | | | | | | | | Y |
| Blast furnace | | | | | | | | | | | | | | | | | | | | | | Y |
| Boats, building or repair | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Boiler works | | | | | | | | | | | | | | | | | | | | | | Y |
| Bookbinding, except hand binding | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Bottling works | Ex 3..6.1 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Brick, tile, pottery or terra cotta manufacture, other than handcraft | | | | | | | | | | | | | | | | | | | | | S | Y |
| Brooms or brushes, manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Building materials (inside storage) | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Building materials (outside storage) | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Cameras or other photographic equipment | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Candle manufacture | | | | | | | | | | | | | | | | | | | | | S | Y |
| Carpet manufacture or cleaning | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Celluloid manufacture or treatment | | | | | | | | | | | | | | | | | | | | | | Y |
| Cement, lime, gypsum or plaster of paris manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Ceramics, stone, glass, marble or porcelain products manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |

APPENDIX 2
SCHEDULE OF USES – TABLE 6 (CONTINUED)
MANUFACTURING, STORAGE AND WAREHOUSING USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|-----------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Chemical manufacturing | | | | | | | | | | | | | | | | | | | | | | S |
| Cleaning and dyeing; dry cleaning plant | Ex 3..6.2 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Coal, coke, or wood yard | | | | | | | | | | | | | | | | | | | | | S | Y |
| Concrete, asphalt batching plant (perm.) | | | | | | | | | | | | | | | | | | | | | S | S |
| Concrete, asphalt batching plant (temp.) | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | | | | | Y | | Y | Y |
| Contractor's shop and storage yard | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Cosmetic manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Cotton gin | | | | | | | | | | | | | | | | | | | | | | S |
| Cotton seed oil manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Creosote treatment | | | | | | | | | | | | | | | | | | | | | | S |
| Dairy products processing, manufacturing | | | | | | | | | | | | | | | | | | | | | S | Y |
| Disinfectant manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Distillation of bones, coal or wood | | | | | | | | | | | | | | | | | | | | | | Y |
| Drugs or pharmaceutical products manufacturer | | | | | | | | | | | | | | | | | | | | | S | Y |
| Dyestuff manufacture | | | | | | | | | | | | | | | | | | | | | S | Y |
| Electrical appliances, supplies, and machinery, assembly or manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Electronic products, assembly | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Electronic products, manufacturing | | | | | | | | | | | | | | | | | | | | | S | Y |
| Emery cloth and sandpaper manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Explosives or fireworks manufacture or storage | | | | | | | | | | | | | | | | | | | | | | S |
| Farm seed and/or fertilizer sales/storage (inside) | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Farm seed and/or fertilizer sales/storage (outside) | | | | | | | | | | | | | | | | | | | | | S | Y |

APPENDIX 2
SCHEDULE OF USES – TABLE 6 (CONTINUED)
MANUFACTURING, STORAGE AND WAREHOUSING USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|-------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Fat rendering | | | | | | | | | | | | | | | | | | | | | | Y |
| Fertilizer manufacture | | | | | | | | | | | | | | | | | | | | | | S |
| Fiberglass manufacture | | | | | | | | | | | | | | | | | | | | | | S |
| Fish smoking and curing | | | | | | | | | | | | | | | | | | | | | | Y |
| Food products processing | | | | | | | | | | | | | | | | | S | | | | S | Y |
| Forge plant | | | | | | | | | | | | | | | | | | | | | | Y |
| Foundry (iron, steel, brass or copper) | | | | | | | | | | | | | | | | | | | | | | Y |
| Fur good manufacture (not including tanning or dyeing) | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Furniture and upholstery manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Garbage, offal or dead animal reduction | | | | | | | | | | | | | | | | | | | | | | S |
| Gas manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| General commercial plant | Ex 3.6.3 | | | | | | | | | | | | | | | | | | | | Y | Y |
| General manufacturing | Ex 3.6.4 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Glass products | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Glue or gelatin manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Grain elevator | | | | | | | | | | | | | | | | | | | | | | S |
| Hatchery | | S | | | | | | | | | | | | | | | | | | | Y | Y |
| Herbicide manufacture | | | | | | | | | | | | | | | | | | | | | | S |
| Household appliance products assembly & manufacture from pre fabricated parts | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Ice production, dry or natural | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Industrial park | Ex 3.6.5 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Insect poison manufacture | | | | | | | | | | | | | | | | | | | | | | S |
| Junk or salvage yard | Ex 3.6.6 | | | | | | | | | | | | | | | | | | | | S | S |

APPENDIX 2
SCHEDULE OF USES – TABLE 6 (CONTINUED)
MANUFACTURING, STORAGE AND WAREHOUSING USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|-------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Jute, hemp, sisal or oakum products manuf. | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Laundry plant | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Light manufacturing | Ex 3.6.7 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Livestock feed yards | | | | | | | | | | | | | | | | | | | | | | S |
| Mattress manufacture or renovation | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Meat processing/locker plant/frozen food products | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Metal fabrication | | | | | | | | | | | | | | | | | | | | | S | Y |
| Mill (grain, flour, food products) | | | | | | | | | | | | | | | | | | | | | S | Y |
| Mines and quarries | | | | | | | | | | | | | | | | | | | | | | S |
| Musical instrument manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Oil field service | | | | | | | | | | | | | | | | | | | | | S | Y |
| Oil, gas, other mineral extraction | | | | | | | | | | | | | | | | | | | | | S | S |
| Oilcloth or linoleum manufacture | | | | | | | | | | | | | | | | | | | | | S | Y |
| Ore reduction | | | | | | | | | | | | | | | | | | | | | | Y |
| Orthopedic or medical appliance manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Paint, oil, shellac, turpentine or varnish manufacture | | | | | | | | | | | | | | | | | | | | | S | Y |
| Paper products manufacture | | | | | | | | | | | | | | | | | | | | | | Y |
| Petroleum products, sales (wholesale) | | | | | | | | | | | | | | | | | | | | | S | Y |
| Petroleum products, bulk quantities | | | | | | | | | | | | | | | | | | | | | | Y |
| Pipe sales and supply | | | | | | | | | | | | | | | | | | | | | S | Y |
| Plastic products manufacture (not including processing of raw mater. | | | | | | | | | | | | | | | | | | | | | S | Y |
| Pump sales, repair and maintenance | | | | | | | | | | | | | | | | | S | | | | Y | Y |
| Scrap metal sales and storage | | | | | | | | | | | | | | | | | | | | | | Y |
| Self storage; mini-warehouse | Ex 3.6.9 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Sporting & athletic equip manuf. | | | | | | | | | | | | | | | | | | | | | Y | Y |

APPENDIX 2
SCHEDULE OF USES – TABLE 6 (CONTINUED)
MANUFACTURING, STORAGE AND WAREHOUSING USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | TF | MH1 | MH2 | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|--|--------------|----|------|------|-------|-------|-------|------|-------|----|-----|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Steel fabrication | | | | | | | | | | | | | | | | | | | | | S | Y |
| Storage/wholesale warehouse, light | Ex 3.6.10 | | | | | | | | | | | | | | | | | | | | Y | Y |
| Storage/wholesale warehouse, heavy | Ex 3.6.11 | | | | | | | | | | | | | | | | | | | | S | Y |
| Tire recapping, vulcanizing | | | | | | | | | | | | | | | | | | | | | S | Y |
| Tools or hardware manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Toys and novelty products manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Window shade, awnings, Venetian blind manufacture | | | | | | | | | | | | | | | | | | | | | Y | Y |
| Wrecking yard (junk or salvage yard) | | | | | | | | | | | | | | | | | | | | | S | S |
| Yeast manufacture | | | | | | | | | | | | | | | | | | | | | | Y |

* The number in this column references a description/definition listed in Appendix 3.

APPENDIX 2
SCHEDULE OF USES – TABLE 7
ACCESSORY AND INCIDENTAL USES

| TYPE OF USE | Def * | AG | SF-E | SF-1 | SF-84 | SF-72 | SF-60 | SF-Z | SF-TH | MH-1 | MH-2 | TF | MF-1 | MF-2 | C-1 | NC | C-2 | CBRD | C-3 | O-1 | I-1 | I-2 |
|---|----------|----|------|------|-------|-------|-------|------|-------|------|------|-----|------|------|-----|----|-----|------|-----|-----|-----|-----|
| Accessory building to main use (1) | Ex 3.7.1 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Boat; boat trailer | | Y | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | | Y†† | Y†† | Y†† | | | | | | | | |
| Carport | Ex 3.7.2 | Y | | | | | | | | | | | | | | | | | | | | |
| Construction yard (temporary) (2) | Ex 3.7.3 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Customary home occupation | Ex 3.7.5 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | | | | | | | | |
| Field or sales office, temporary (2) | Ex 3.7.4 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Garage, private | Ex 3.7.6 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Motor home | | Y | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | | | | | | | | |
| Swimming pool, private (3) | | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | S | S | S | S | S | S | S | S |
| Trailer; travel trailer; cattle trailer, etc. | | Y | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | Y†† | | | | | | | | |
| Wind Energy System (4) | Ex 3.7.7 | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | S | S | Y | Y |

* The number in this column references a description/definition listed in Appendix 3.

(1) See Section 35.01 for additional regulations.

(2) See Section 34.02 for additional regulations.

(3) See Section 34.10 for additional regulations.

(4) See Section 34.13 for additional regulations.

†† See Section 23.03 of this ordinance for special regulations.

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APPENDIX 3

DESCRIPTIONS/DEFINITIONS OF USES

Ex 3.1. Residential Uses

- Ex 3.1.1. Apartment — A room or suite of rooms in an Apartment house arranged, designed or occupied as a Dwelling Unit residence by a single Family, individual, or group of individuals living together as a single housekeeping unit. (Also see Ex 3.1.4 – CBRD Apartments.)
- Ex 3.1.2. Bed and Breakfast Facility - An owner-occupied property, other than a hotel or Multiple Family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms. See also Section 36.08.
- Ex 3.1.3. Boarding or Rooming House — A Building, other than a hotel or Multiple Family dwelling, where lodging or meals is provided to Persons for compensation, and where facilities for food preparation are not provided in individual rooms.
- Ex 3.1.4. CBRD Apartments — Apartments in any Building in the CBRD on, the second or higher floors or, if on the ground floor is (1) not occupying the Street front of the Building and (2) occupied by the operator of the business which also is housed in that Building. (Also see Ex 3.1.1 – Apartment.)
- Ex 3.1.5. Dormitory — A Building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an Apartment, hotel, motel, or rooming house. A dormitory may provide Apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such Apartment unit for each 50 students for which the Building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and Use of the occupants and their guests and not open to the general public.
- Ex 3.1.6. Duplex — See Two Family Dwelling, Sec. Ex 3.1.28.
- Ex 3.1.7. Garden (Patio) Home — A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section 36.05
- Ex 3.1.8. Guest House — Living quarters within a detached Accessory Building located on the same premises with the main Building, for Use by temporary

guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Ex 3.1.9. Hotel — See “Motel, Motor Hotel, or Motor Lodge”)

Ex 3.1.10. Manufactured Housing, HUD Code — A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this Part of the Code to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

Ex 3.1.12 Manufactured Home Park — Any tract of land under single ownership of not less than two acres and not more than 10 acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Anna relating to the location, Use, construction, operation, or maintenance of manufactured housing.

Ex 3.1.13. Manufactured Home Subdivision — A tract of land of not less than 10 acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-Code manufactured housing and industrialized housing.

Ex 3.1.14. Mobile Home — A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Mobile homes shall not be used as Dwelling Units within the corporate limits of the City of Anna.

Ex 3.1.15. Modular Home — A dwelling that is constructed in one or more modules at a location other than the homesite, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular unit components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term modular home shall not mean nor apply to:

- (a) housing constructed of sectional or panelized systems not utilizing modular components;
- (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; or
- (c) any dwelling constructed in modules incorporating concrete as the basic and predominant structural component.

Ex 3.1.16. Motel, Motor Hotel, or Motor Lodge — A Building or group of Buildings designed for and occupied as a temporary dwelling place, providing four or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a Person or Persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, Club rooms, banquet halls, ballrooms and meeting rooms as Accessory Uses.

Ex 3.1.17. Multiple Family Residence — Any Building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more Dwelling Units or Apartments or which is occupied as a home or place of residence by three or more families living in independent Dwelling Units.

Ex 3.1.18. Residence Hotel — A multi-Dwelling Unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, Club house and recreational facilities intended for the Use of residents and their guests are permitted. This definition shall not include other Dwelling Units as defined in this Part of the Code.

Ex 3.1.19. Retirement Housing — A development providing Dwelling Units specifically designed for the needs of ambulatory retired Persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for Use by the general public:

- a) cafeteria and/or dining room
- b) library
- c) game room
- d) swimming pool and/or Jacuzzi
- e) exercise room
- f) arts and crafts facilities
- g) greenhouse
- h) housekeeping service
- i) transportation service

- j) snack bar with a maximum of 350 square feet per 100 Dwelling Units
- k) beauty/barber shop with a maximum of 250 square feet per 100 Dwelling Units or a maximum of 450 square feet per 100 Dwelling Units
- l) convenience retail shop with maximum of 350 square feet per 100 Dwelling Units to provide for sale of food items, non-prescription drugs, small household items, and gifts.

Ex. 3.1.20. Rooming House — See “Boarding or Rooming House”.

Ex 3.1.21. Servant's, Caretaker's, or Guard's Residence — An Accessory Building or portion of an Accessory Building located on the same Lot or grounds with the main Building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a Person or Persons employed on the premises for not less than 50% of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet.

Ex 3.1.22. Single Family Dwelling, Attached — A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one Family, with each Dwelling Unit attached by a common wall to another with a minimum length of attachment of 20 feet, in which each dwelling is located on a separate platted Lot.

Ex 3.1.23. Single Family Dwelling, Detached — A detached Building designed exclusively for occupancy by one Family, excluding manufactured housing, located on a Lot or separate Building tract and having no physical connection to a Building on any other Lot.

Ex 3.1.24. Townhouse or Row Dwelling — One of a series of not less than three nor more than 10 attached one Family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from Basement to roof. No Townhouse Dwelling Unit is to be constructed above another Townhouse Dwelling Unit.

Ex 3.1.25. Tourist Home — A Building or part thereof, other than hotel, boarding house, lodging house, or motel, where lodging is, provided by a resident Family in home for compensation, mainly for transients.

Ex 3.1.26. Townhouse or Row House - means three or more Dwelling Units with common vertical walls.

Ex 3.1.27. Travel Trailer Park — Any tract of land under single ownership, not less than two acres nor more than 10 acres, where accommodation is provided for travel Trailer Use.

Ex 3.1.28. Two Family Dwelling — A Building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

Ex 3.1.29. Zero Lot Line House — A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the Building code.

Ex 3.2 Educational, Institutional, and Special Uses

Ex 3.2.1. Cemetery - is land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Ex 3.2.2. Child Care Center — An establishment where four or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "child care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see Registered Family Home)

Ex 3.2.3. Church, Rectory, or Place of Worship — A Building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or Directors on the premises. The place of residence may be a separate Building.

Ex 3.2.34 Civic Center — A Building or complex of Buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

Ex 3.2.45 College or University — An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

Ex 3.2.6. Community Center, Public — A Building or Buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Ex 3.2.7. Community Center, Private — A Building or Buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their Use and benefit; not to be a commercial, for profit, business.

- Ex 3.2.8. Continuing Care Facility — A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a Person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one year, such individual or individuals being cared for not being related by consanguinity or affinity to the Person providing the care. (Also see Household Care Facility, Household Care Institution, Personal Care Home, and Family Home.)
- Ex 3.2.9. Country Club (Private) — Land and Buildings customarily containing a golf course and a Clubhouse and available only to specific private membership; such a Club may contain adjunct facilities such as private Club, dining room, swimming pool, tennis Courts, and similar recreational or service facilities.
- Ex 3.2.10. Convalescent Home — See “Rest Home or Nursing Home”.
- Ex 3.2.11. Exhibition Area — An area or space either outside or within a Building for the display of topic-specific goods or information.
- Ex 3.2.12. Fairgrounds — An area where outdoor fairs, circuses or exhibitions are held.
- Ex 3.2.13. Family Home — A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for Persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a Family home, a home must meet the following requirements:
- a. not more than six disabled Persons and two supervisory personnel may reside in a Family home at the same time.
 - b. the home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.
 - c. all applicable licensing requirements must be met.
- (Also see Continuing Care Facility, Household Care Facility, Household Care Institution, and Personal Care Home.)
- Ex 3.2.14. Farm, Ranch, or Orchard — An area of five acres or more which is used for growing of usual Farm products and/or raising of usual Farm products and animals and including the necessary Accessory Uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not

including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard Use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

Ex 3.2.15. Fraternal Organization, Lodge, or Civic Club — An organized group having a restricted membership and specific purpose related to the welfare of the members.

Ex 3.2.16. Golf Course — An area of 20 acres or more improved with trees, greens, fairways, hazards and which may include Clubhouses.

Ex 3.2.17a. Greenhouse or Plant Nursery, Commercial — A place, often including artificially heated and/or cooled Buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

Ex 3.2.17b. Greenhouse, Non-Commercial — A Building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

Ex 3.2.18. Hospital (Chronic Care); Long Term Health Care Facility — An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to Persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.

Ex 3.2.19. Hospital (Acute Care) — An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

Ex 3.2.20. Household Care Facility — A Dwelling Unit which provides residence and care to not more than nine Persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also Continuing Care Facility, Household Care Institution, Personal Care Home, and Continuing Care Facility.)

Ex 3.2.21.1 Household Care Institution — A facility which provides residence and care to 10 or more Persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also Continuing Care Facility, Family

Home, Household Care Facility, Personal Care Home, and Continuing Care Facility.)

- Ex 3.2.21.2 Kennel — Any structure, Lot, or premises on which four or more dogs, cats or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.
- Ex 3.2.22. Library — Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
- Ex 3.2.23. Museum or Art Gallery — An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.
- Ex 3.2.24. Nursery School; Kindergarten — A child care facility offering a program seven hours or less per day for children who have passed their second birthday but who are under seven years old.
- Ex 3.2.25. Nursing Home — See Rest Home or Nursing Home.
- Ex 3.2.26. Park, Playground, or Recreation Center (Public) — An open recreation facility or park owned and operated by a public agency and available to the general public.
- Ex 3.2.27. Park, Playground, or Recreation Center (Private) — A privately owned park, playground, Open Space or Building dedicated to recreational activities, maintained by a community Club, property owner's association, or similar organization.
- Ex 3.2.28. Personal Care Home (Custodial Care) — An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three individuals not related to the provider of such care. Custodial care is that type of care which assists elderly Persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility.)
- Ex 3.2.29. Reserved for future Use.
- Ex 3.2.30 Race Track — A facility used for the racing of motor-driven vehicles and/or animals.
- Ex 3.2.31. Registered Family Home — A child care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides

care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time. (Also see Child Care Center.)

- Ex 3.2.32. Rehabilitation Care Facility — A Dwelling Unit which provides residence and care to not more than nine Persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.
- Ex 3.2.33. Rehabilitation Care Institution — A facility which provides residence and care to 10 or more Persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
- Ex 3.2.34. Rest Home or Nursing Home — A place of residence or care for Persons suffering from infirmities of age or illness where care is provided after leaving a clinic or Hospital, often on a prolonged or even permanent basis. This term shall include a convalescent home.
- Ex 3.2.35. School, Private (Primary or Secondary) — An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- Ex 3.2.36. School, Public (Primary or Secondary) — An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- Ex 3.2.37. School, Trade or Commercial — Establishments, other than public or parochial schools, private primary and secondary schools or colleges, organized to operate for a profit and offering training or instruction in a trade, service, art, or occupation.
- Ex 3.2.38a. Stable, Commercial — A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.
- Ex 3.2.38b. Stable, Private — An Accessory Building set back from adjacent property lines a minimum distance of 100 feet and used for quartering horses, not to exceed one horse per 1.5 acre area of a Farm or Lot.
- Ex 3.2.39. Stadium or Playfield, Public — An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Ex 3.2.40. Swimming Pool, Commercial — A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim Club, but where the facilities are available to the general public for a fee.

Ex 3.3. Transportation, Utility, and Communications Uses

Ex 3.3.1. Airport; Landing Field — A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

Ex 3.3.2. Electrical Substation — A subsidiary station in which electric current is transformed.

Ex 3.3.3. Gas Metering Station — Facility at which natural gas flows are regulated and recorded.

Ex 3.3.4. Heliport or Heliatop — A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

Ex 3.3.5. Reserved for future Use.

Ex 3.3.6. Radio, Television, or Microwave Communications Operations, Amateur — The transmission and retransmission, of radio, electromagnetic, or microwave signals for private or personal Use and not for the purpose of operating a business and/or for financial gain. (See also Ex 3.3.15 – Towers)

Ex 3.3.7. Radio, Television, or Microwave Communications Operations, Commercial — The transmission and retransmission, of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain. (See also Ex 3.3.15 and Ex 3.3.6 – Towers)

Ex 3.3.8. Railroad Station — Any premises for the transient parking of trains and the loading and unloading of passengers.

Ex 3.3.9. Railroad Team Track and Right-Of-Way — A facility/place for the loading and unloading of materials on trains.

Ex 3.3.10. Reserved for future Use.

Ex 3.3.11. Service Yard of Governmental Agency — An area for the servicing and storage of vehicles or other property of a governmental agency.

- Ex 3.3.12. Shops, Office, and/or Storage Area of Public or Private Utility — The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.
- Ex 3.3.13. Solid Waste Transfer Station — A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.
- Ex 3.3.14. Telephone Exchange — A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.
- Ex 3.3.15. Towers (Radio, Television or Microwave) — Structures supporting antennae for transmitting or receiving any of the radio spectrum, but excluding noncommercial antennae installations for home, Use of radio. (See also Ex 3.3.6 – Radio, Television, or Microwave Communications Operations, Amateur and Ex 3.3.7 - Radio, Television, or Microwave Communications Operations, Commercial.)

Ex 3.4. Automobile and Related Service Uses

- Ex 3.4.1. Auto Laundry — See Car Wash.
- Ex 3.4.2. Auto Leasing — Storage and leasing of automobiles, motorcycles, and light load vehicles.
- Ex 3.4.3. Auto Parts Sales (Inside) — The Use of any Building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, Trailers, or Recreational Vehicles.
- Ex 3.4.4. Auto Parts Sales (Outside) — The Use of any land area for the display and sale of new or used parts for automobiles, panel trucks vans, Trailers, or recreation vehicles.
- Ex 3.4.5. Automobile Repair, Major — General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.
- Ex 3.4.6. Automobile Repair, Minor — Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load

vehicles, but not including any operation named under "automobile repair, major" or any other similar Use.

- Ex 3.4.7. Automobile and Trailer Sales, New — Building(s) and associated open area other than a Street or required automobile Parking Space used for the display or sale of primarily new automobiles, light trucks, and Trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and Trailers to be displayed and sold on the premises, and no dismantling of automobiles or Trailers for sale or keeping of used automobile and Trailer parts or junk on the premises.
- Ex 3.4.8. Automobile and Trailer Sales, Used — Building(s) and associated open area other than a Street or required automobile Parking Space used for the display and sale of previously owned automobiles, light trucks, or Trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.
- Ex 3.4.9. Automobile Service Station — A Building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven days.
- Ex 3.4.10. Auto Storage — The storage on a Lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.
- Ex 3.4.11. Automobile Wrecking Yard or Junk Yard — Any Building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismounted or wrecked vehicles or their parts and accessories, including any Farm vehicles or Farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.
- Ex 3.4.12. Bus Terminal — Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

- Ex 3.4.13. Car Wash — A Building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.
- Ex 3.4.14. Garage, Public — means a Building or portion of a Building except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal Use.
- Ex 3.4.15. Junk Yard — See Ex 3.4.11 – Automobile Wrecking Yard or Junk Yard.
- Ex 3.4.16. Parking Lot or Parking Garage, Automobile — Area for parking light load vehicles.
- Ex 3.4.17. Parking Lot or Parking Garage, Truck — Area for parking heavy load vehicles.
- Ex 3.4.18. Quick Oil Change Facility — A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.
- Ex 3.4.19. Quick Tune-up Facility — A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PCV valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.
- Ex 3.4.20. Truck and Bus Leasing — The rental of new or used panel trucks, vans, Trailers, Recreational Vehicles, or motor-driven buses in operable condition and where no repair work is done.
- Ex 3.4.21. Truck and Bus Repair — An establishment providing major and minor automobile repair services to heavy load vehicles.
- Ex 3.4.22. Truck or Motor Freight Terminal — A Building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
- Ex 3.4.23. Truck Sales — Building(s) and associated open area other than a Street or required automobile Parking Space used for the display or sale of primarily new heavy load vehicles (for definition, see Section 3.4.24), to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and

no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

Ex 3.4.24. Truck Stop — Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

Ex 3.4.25. Vehicle Service Center — A center for the repair of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

Ex 3.4.26. Wrecking Yard — See Ex 3.4.11 — Automobile Wrecking Yard or Junk Yard.

Ex 3.5. Retail and Service Type Uses

Ex 3.5.1a. Adult Entertainment Establishment — Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “Specified Anatomical Areas” or “Specified Sexual Activities”, as defined in the Zoning Ordinance of the City of Anna. Such uses shall include but not be limited to the following:

- (1) Adult Arcade — Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer Persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “Specified Anatomical Areas” or specified “sexual activities” as defined in this section of the Code.
- (2) Adult Bookstore — A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
 - (a) Books, magazines, periodical, or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe “Specified Anatomical Areas” or “Specified Sexual Activities”, as defined in this section of the Code; or

- (b) Instruments, devices or paraphernalia which depict “Specified Anatomical Areas” or “Specified Sexual Activities”, or are designed for Use in connection with “Specified Sexual Activities”.
- (3) Adult cabaret – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) Person or Persons who appear in a state of nudity; or
 - (b) live performances which are characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”, including topless or bottomless dancer, exotic dancers, or strippers; or
 - (c) films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations, which are characterized by the depiction of “Specified Anatomical Area” or “Specified Sexual Activities” as defined in this section of the Code
- (4) Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “Specified Anatomical Areas” or “Specified Sexual Activities” as defined in this section of the Code.
- (5) Adult Theater – A theater, concert hall, auditorium, or similar commercial establishment which regularly features Persons who appear in a state of nudity or live performances which are characterized by the depiction or description of “Specified Anatomical Areas” or “Specified Sexual Activities” as defined in this section of the Code.
- (6) Massage Parlor – Any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any “specified sexual activity”, or where any Person providing such treatment, manipulation, or service related thereto exposes and “Specified Anatomical Area”.
- (7) Nude Modeling Studio – Any place where a Person who appears in a state of nudity, or displays and “Specified Anatomical Area” is provided to be observed, sketched, drawn, painted, sculptured,

photographed, or similarly depicted by other Persons who pay money or any form of consideration.

Ex 3.5.1b. Air Conditioning and Refrigeration Contractor — A place from which a Person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann.Civ.St., art. 8861.

3.5.2. Alcoholic Beverage Store — An establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.

Ex 3.5.3a. Amusement, Commercial (Indoor) — An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including Hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

Ex 3.5.3b. Amusement, Commercial (Outdoor) — An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-cart tracks and carnivals.

Ex 3.5.4. Antique Shop — A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a Building.

Ex 3.5.5. Arcade — Any place to which the public is permitted or invited wherein six or more coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located.

Ex 3.5.6a. Bakery and Confectionery, Retail Sales — A place for preparing, cooking, baking and selling of products on the premises

Ex 3.5.6b. Bakery and Confectionery, Commercial — A place for preparing, cooking or baking of products primarily intended for off-premise distribution.

Ex 3.5.7. Bank, Savings and Loan, Credit Union — An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

- Ex 3.5.8a. Barber Shop — A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
- Ex 3.5.8b. Barber School or College — A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
- Ex 3.5.9a. Beauty Culture School; Cosmetology Specialty Shop — A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451.
- Ex 3.5.9b. Beauty Shop — A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451, is practiced.
- Ex 3.5.10. Building Materials, Hardware Sales — The sale of new Building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
- Ex 3.5.11. Business Service — Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.
- Ex 3.5.12. Cabinet and Upholstering Shop — An establishment used for the production, display and sale of furniture and soft coverings for furniture.
- Ex 3.5.13. Cleaning and Dyeing, Small Plant or Shop — A custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant.)
- Ex 3.5.14. Clinic, Medical or Dental — A public or private, profit or nonprofit facility for the reception and treatment of outpatient Persons physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.
- Ex 3.5.15. Convenience Store — A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

- Ex 3.5.16. Custom Personal Service Shop — Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.
- Ex 3.5.17. Discount, Variety, or Department Store — A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.
- Ex 3.5.18. Feed and Farm Supply Store — An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including Farm machinery.
- Ex 3.5.19. Flea Market — A site where space inside or outside a Building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.
- Ex 3.5.20. Florist — An establishment displaying plants, flowers, floral supplies, and similar items.
- Ex 3.5.21. Food Store; Grocery Store — An establishment that displays and sells consumable goods that are not to be eaten on the premises.
- Ex 3.5.22. Food-Beverage Store — An establishment engaged in the sale of food or beverages — of any kind whatsoever — for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.
- Ex 3.5.23. Furniture and Appliance Repair or Storage — The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.
- Ex 3.5.24. Furniture, Appliance Store — Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
- Ex 3.5.25. Garden Center (Retail Sales) — Location including land and Buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located

behind the Front Yard line established in the District in which the garden center is located.

- Ex 3.5.26. General Merchandise Store — Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.
- Ex 3.5.27. Laboratory, Scientific or Research — Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
- Ex 3.5.28. Laundry and Cleaning, Self-Service — An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.
- Ex 3.5.29 Massage Therapy Facility – A place wherein a registered physical therapist or certified massage therapist treats patients.
- Ex 3.5.30a. Metal Dealer, Secondhand — A place of business in which a Person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered
- Ex 3.5.30b. Metal Dealer, Crafted Precious — A place of business in which a Person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009a.
- Ex 3.5.31. Neighborhood Convenience Center - means centers that carry convenience goods, such as groceries, and some variety items, and also service stores. The Neighborhood Convenience Center may contain one or two small apparel or shoe stores, but it is clearly dominated by convenience goods,, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of - families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.
- Ex 3.5.32. Office Center — A Building or complex of Buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

- Ex 3.5.33. Office, Professional or General Administrative — A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.
- Ex 3.5.34. Office - Showroom/Warehouse — An establishment with a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
- Ex 3.5.35. Pawn Shop — An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
- Ex 3.5.36. Personal Service Shop — An establishment primarily engaged in providing services generally involving the care of the Person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.
- Ex 3.5.37. Pet Shop — A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the Building.
- Ex 3.5.38. Plumbing, Heating, Refrigeration, or Air Conditioning Business — An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor.)
- Ex 3.5.39. Plumbing Service — The operation of a business that involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.
- Ex 3.5.40. Portable Building Sales — An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
- Ex 3.5.41. Post Office, Government or Private — Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

- Ex 3.5.42. Print Shop — An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.
- Ex 3.5.43. Racquetball Facilities — Courts housed in an acoustically-treated Building and designed for one to four Persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of 40% of the total floor area.
- Ex 3.5.44a. Restaurant or Cafeteria, With Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to Persons in cars.
- Ex 3.5.44b. Restaurant or Cafeteria, Without Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.
- Ex 3.5.44c. Restaurant, With Drive-In Service — An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
- Ex 3.5.44d. Restaurant, With Drive-Through Service — An eating establishment which serves food only to Persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.
- Ex 3.5.45a. Retail Stores and Shops — Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a Building of new or used automobiles, heavy machinery, Building materials, used appliances, furniture, or salvage materials.
- Ex 3.5.45b. Retail Ice and Dispensed Water Sales — Establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a masonry structure; ice is frozen and bagged on site.
- Ex 3.5.46. Second Hand Store, Furniture or Clothing — An establishment offering for sale used contemporary merchandise, with the storage and display of such items wholly contained inside a Building or structure.
- Ex 3.5.47. Service, Retail — An establishment engaged in the selling and/or servicing of goods where a minimum of 80% of the floor area is devoted to

service, repair or fabrication of such goods with the storage and display of such goods wholly contained inside a Building or structure. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

Ex 3.5.48a. Sexually Oriented Business – An Adult Entertainment Establishment (See Sec. Ex 3.5.1a)

Ex 3.5.48b. Shopping Center — A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements. A site plan is to be submitted to and is to be approved by the planning and zoning commission and the City Council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various Buildings, parking area, Streets and type of zoning desired. The installation of all facilities, drainage structures paving of Streets, parking areas, Alleys, and installation of sidewalks shall be in accordance with City specifications for each type of improvement.

Ex 3.2.48c. Short-Term Loan Agency – A business that makes short-term cash loans (also known as payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account. (*Ord. No. 432-2009, adopted 2/10/2009*)

Ex 3.5.49. Theater (Outdoor) — An open Lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

Ex 3.5.50. Trailer, Manufactured Housing, or Mobile Home Display and Sales — The offering for sale, storage, or display of Trailers, manufactured housing, or mobile homes on a parcel of land but excluding the Use of such facilities as dwellings either on a temporary or permanent basis.

Ex 3.5.51. Trailer Rental — The display and offering for rent of Trailers designed to be towed by passenger cars or other prime movers.

Ex 3.5.52. Washateria — A Building or place where clothes and linens are washed and thoroughly dried by the Use of not exceeding three employees and four automatic single Family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service – Ex. 3.5.28.)

Ex 3.6. Manufacturing, Storage, and Warehousing Uses

- Ex 3.6.1. Bottling Works — A manufacturing facility designed to place a product into a bottle for distribution.
- Ex 3.6.2. Cleaning and Dyeing; Dry Cleaning Plant — An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, Section Ex 3.5.13.)
- Ex 3.6.3. General Commercial Plant — An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.
- Ex 3.6.4. General Manufacturing — Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this Part of the Code.
- Ex 3.6.5. Industrial Park — A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- Ex 3.6.6. Junk or Salvage Yard — A Lot or area in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed Building. (Also see Metal Dealer, Secondhand - Ex. 3.5.30a; Automobile Wrecking Yard or Junk Yard – Ex. 3.4.11.)
- Ex 3.6.7. Light Manufacturing — Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- Ex 3.6.8. Salvage Yard — See “Junk or Salvage Yard – Ex. 3.6.6”.
- Ex 3.6.9. Self-Storage, Mini-Warehouse — A facility used for storage of goods and/or materials with separate access to individual storage units by Persons renting the individual units.
- Ex 3.6.10. Storage or Wholesale Warehouse, Light — A Building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

Ex 3.6.11. Storage or Wholesale Warehouse, Heavy — A Building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

Ex 3.7. Accessory Uses

Ex 3.7.1. Accessory Building or Use — An Accessory Building or Use is one which: (a) is subordinate to and serves a principal Building or principal Use; and (b) is subordinate in area, extent, or purpose to the principal Building or principal Use served and is not physically connected to the principal Building; (if connected to the principal Building, a structure becomes part of the principal Building); and (c) contributes to the comfort, convenience and necessity of occupants of the principal Building or principal Use served; and (d) is located on the same Building Lot as the principal Use served.

Ex 3.7.2. Carport — A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

Ex 3.7.3. Construction Yard (Temporary) — A storage yard or assembly yard for Building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office. (Also see Section 36.)

Ex 3.7.4. Field or Sales Office (Temporary) — A Building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary Buildings" shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the Use of the Building or structure is contrary to the intent of this Part or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see Section Ex 3.7.3 above.)

Ex 3.7.5. Customary Home Occupation — An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "Residential Dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

- a) "Residential Dwelling" shall mean a detached Building designed, used and occupied exclusively by members of one Family as a residence.
- b) no Person other than members of a Family who reside in the Residential Dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.

- c) such Use shall be and remain incidental and subordinate to the principal Use of the Residential Dwelling as a Family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed 25% of the total of the floor area of the Residential Dwelling.
- d) not more than one non-illuminated sign advertising the Home Occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the Building in which the Home Occupation is being conducted.
- e) the Residential Dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- f) no exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the Residential Dwelling.
- g) no offensive noise, vibration, smoke, dust, odors, heat, or Glare generated by or associated with the Home Occupation shall extend beyond the property line of the Lot or tract on which the Home Occupation is being conducted.
- h) the occupation, profession, domestic craft, or enterprise shall be conducted wholly within the Residential Dwelling and no Accessory Building shall be used in conjunction therewith.
- i) the only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- j) a Home Occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

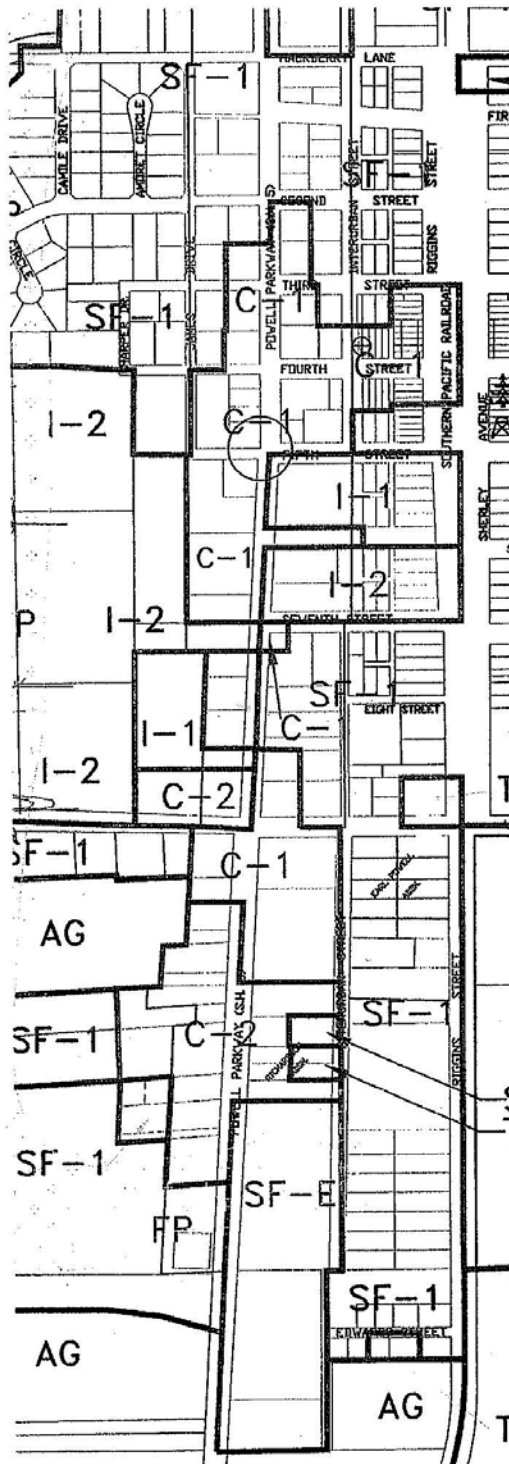
Ex 3.7.6. Garage, Private — A detached Accessory Building or portion of the main Building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Ex 3.7.7 Wind Energy Conversion System — means a wind-driven turbine, (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately-owned Lot or parcel. These systems are considered accessory uses in all zoning districts.

Ex 3.7.8 Wind Turbine — The individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the Shroud and the towers or supporting structures.

APPENDIX 4 FOOD AND BEVERAGE OVERLAY DISTRICT MAP

(See next page)



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